

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTY-THIRD DAY

(Saturday, May 30, 2015)

The Senate met at 11:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Bettencourt, Birdwell, Burton, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

Senator Perry offered the invocation as follows:

You are sovereign Lord, Lord of all. We thank You for the life-giving rains of recent days, but we remember those who suffered loss. It is a reminder of how fragile life is. Please heal the hurt as only You can do. As we are in the final days of this session, it is only appropriate we are reminded it is not the laws we made that change lives but rather the individual heart of a righteous and holy people that we should govern by. Please continue to give us Your favor and unconditional mercy. We pray for travel grace as we travel home to our family, friends, and community. Please make that reunion as sweet as it should be. We are reminded what a privilege it is to serve this great state, but more importantly, to serve You. In Your holy name, Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Birdwell.

Senator Birdwell moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Judge, 165th Judicial District Court, Harris County: Debra Ibarra Mayfield, Harris County.

Presiding Officer, Board of Directors, Alamo Regional Mobility Authority: John Glenn Clamp, Bexar County.

Members, Board of Pardons and Paroles: Federico Rangel, Walker County; Lionel F. Solis, Bexar County.

Member, Oversight Committee, Cancer Prevention and Research Institute of Texas: Donald R. Margo, El Paso County.

Member, Commission on State Emergency Communications: Rodolfo Madrid, Kleberg County.

Members, Correctional Managed Health Care Committee: Harold Karl Berenzweig, Tarrant County; Margarita de la Garza-Graham, Smith County; Mary Annette Gary, Lubbock County; Elizabeth Anne Linder, Lubbock County; Edward John Sherwood, Travis County.

Members, Governing Board, Office of Violent Sex Offender Management: Roberto Dominguez, Hidalgo County; Elizabeth Christina Jack, Tarrant County; Kathryn Elaine McClure, Harris County.

Members, Governing Board, Texas Indigent Defense Commission: Jon H. Burrows, Bell County; Olen U. Underwood, Montgomery County; Benny Glen Whitley, Tarrant County.

Presiding Officer, Board of Directors, Grayson County Regional Mobility Authority: Will Rich Hubbard, Grayson County.

Presiding Officer, Board of Directors, Hidalgo County Regional Mobility Authority: Rance G. Sweeten, Hidalgo County.

Members, Board of Directors, Lower Colorado River Authority: Lori Alice Berger, Fayette County; Joseph Michael Crane, Matagorda County; Charles Barton Johnson, Brown County; George W. Russell, Burnet County; Martha Leigh Miller Whitten, San Saba County.

Presiding Officer, Board of Directors, North East Texas Regional Mobility Authority: Linda Ryan Thomas, Gregg County.

Members, Board of Directors, Red River Authority of Texas: Cary Cole Camp, Randall County; Penny Cogdell Carpenter, Briscoe County; Stephen Alan Thornhill, Grayson County.

Commissioner, Rio Grande Compact Commission: Patrick R. Gordon, El Paso County.

Member, Board of Directors, Rio Grande Regional Water Authority: Arturo Cabello, Cameron County.

Member, Sabine River Compact Administration: Michael Harold Lewis, Newton County.

Member, State Cemetery Committee: Benjamin Michael Hanson, Travis County.

Member, State Pension Review Board: Keith Wallis Brainard, Williamson County.

Member, State Preservation Board: Iris Hudson Moore, Tarrant County.

Members, Texas Appraiser Licensing and Certification Board: Jesus Barba, Hidalgo County; Patrick Michael Carlson, Travis County; Laurie Carden Fontana, Harris County; James J. Jeffries, Williamson County; Brian Lawrence Padden, Travis County.

Member, Texas Higher Education Coordinating Board: Syed Javaid Anwar, Midland County.

Members, Texas Historical Commission: Anna Benavides Galo, Webb County; Wallace Bernard Jefferson, Travis County; John Liston Nau, Harris County.

Members, Texas Military Preparedness Commission: Anna Arredondo Chapman, Val Verde County; Connie Wood Scott, Nueces County; William L. Shine, Bell County.

Members, Texas Optometry Board: Ronald Lee Hopping, Galveston County; Carey Aston Patrick, Collin County; Rene Daniel Peña, El Paso County.

Members, Board of Directors, Texas School Safety Center: Dewey Michael Cox, Hays County; Garry Edward Eoff, Brown County; Evan Gonzales, Lee County; Daniel Riley Griffith, Travis County; Dawn DuBose Randle, Harris County.

Presiding Officer, Board of Directors, Webb County-City of Laredo Regional Mobility Authority: Ruben Soto, Webb County.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1690 ADOPTED

Senator Huffman called from the President's table the Conference Committee Report on **HB 1690**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2015.

On motion of Senator Huffman, the Conference Committee Report was adopted by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Eltife, Estes, Fraser, Hall, Hancock, Huffines, Huffman, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor.

Nays: Ellis, Garcia, Hinojosa, Lucio, Menéndez, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

REMARKS ORDERED PRINTED

On motion of Senator V. Taylor and by unanimous consent, the remarks by Senators Huffman and V. Taylor regarding **HB 1690** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator V. Taylor: Senator Huffman, this is a question I've asked you before, and I just want to get it because we're on the final version—

Senator Huffman: Okay.

Senator V. Taylor: —and I think it's important. And we've discussed the fact that peace officers in the State of Texas or the investigators in the Public Integrity Unit have an obligation to report crimes as they see them. And I just wanted to be clear that in the very final version of the bill, if they see a federal crime that has been committed that they are still free and under the obligation to report those to the proper authorities, to the federal authorities, if they see federal crimes being committed.

Senator Huffman: Well, you know, I think if in the course of investigating a crime very often, law enforcement, if it's both a state and federal crime, the law enforcement will pursue state charges. So, I don't want it, I don't believe if a law enforcement officer is moving toward state charges, they're not under any obligation to report things to federal authorities, as long as they are pursuing charges. I mean that there's a lot of crimes in the state that are federal crimes as well, and as a matter of course, law enforcement doesn't go to the federal authorities to report. I mean, I mean, think of possession of marijuana, for example, of large quantities of marijuana. Many times that's prosecuted through state courts and law enforcement may never go to the federal authorities and tell them they're pursuing state. So, I think I understand what you're saying, but I don't want to lead a false impression that law enforcement is somehow obligated to go to the federal government if they are pursuing state charges.

Senator V. Taylor: Sure, and as you and I have discussed several times, it has happened in this state where investigators have found a crime, have brought it to the DA, the state official, the DA has said, I don't want to do anything about that. Those same investigators have taken it to the federal, the U.S., the FBI, and the U.S. Attorney, and then in turn a prosecution has taken place. An example, most recently, is a sheriff in Hidalgo County who was recently sentenced, I believe, to 15 or 17 years in a federal penitentiary. But originally the Texas Rangers, which I believe is the same people that you're contemplating, had gone to the DA in that county, asked for prosecution, were turned down, so then in turn they turned to the feds. And I just want to make sure that the system that you envision, as the author of this legislation, or the Senate sponsor for House Bill 1690, that your intent is that in the event that the investigators see fit that they're not going to have justice served by the DA, that they can still go to the FBI and the U.S. Attorney to see justice served.

Senator Huffman: They certainly have that prerogative to do so, if they choose to do so, yes.

Senator V. Taylor: Okay, thank you, Senator Huffman.

Senator Huffman: Alright.

Senator V. Taylor: I look forward to voting for this piece of legislation.

Senator Huffman: Thank you.

**CONFERENCE COMMITTEE ON HOUSE BILL 6
(Motion In Writing)**

Senator Hinojosa called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 6** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **HB 6** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate: Senators Hinojosa, Chair; Nelson, Eltife, Nichols, and Hancock.

SENATE BILL 825 WITH HOUSE AMENDMENT

Senator Huffman called **SB 825** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 825** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of prostitution.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 43.02, Penal Code, is amended by amending Subsections (a), (b), (c), and (d) and adding Subsections (b-1) and (c-1) to read as follows:

(a) A person commits an offense if, in return for receipt of a fee, the person knowingly:

(1) offers to engage, agrees to engage, or engages in sexual conduct [~~for a fee~~]; or

(2) solicits another in a public place to engage with the actor [~~person~~] in sexual conduct for hire.

(b) A person commits an offense if, based on the payment of a fee by the actor or another person on behalf of the actor, the person knowingly:

(1) offers to engage, agrees to engage, or engages in sexual conduct; or

(2) solicits another in a public place to engage with the actor in sexual conduct for hire.

(b-1) An offense is established under Subsection (a) regardless of [(a)(1)] whether the actor is offered or actually receives the [is to receive or pay a] fee. An offense is established under Subsection (b) regardless of [(a)(2)] whether the actor or another person on behalf of the actor offers or actually pays the fee [solicits a person to hire the actor or offers to hire the person solicited].

(c) An offense under Subsection (a) [~~this section~~] is a Class B misdemeanor, except that the offense is:

(1) a Class A misdemeanor if the actor has previously been convicted one or two times of an offense under Subsection (a) [this section]; or

(2) a state jail felony if the actor has previously been convicted three or more times of an offense under Subsection (a).

(c-1) An offense under Subsection (b) is a Class B misdemeanor, except that the offense is:

(1) a Class A misdemeanor if the actor has previously been convicted one or two times of an offense under Subsection (b);

(2) a state jail felony if the actor has previously been convicted three or more times of an offense under Subsection (b) [this section]; or

(3) a felony of the second degree if the person solicited is younger than 18 years of age, regardless of whether the actor knows the age of the person solicited at the time the actor commits the offense.

(d) It is a defense to prosecution for an offense under Subsection (a) [under this section] that the actor engaged in the conduct that constitutes the offense because the actor was the victim of conduct that constitutes an offense under Section 20A.02 or 43.05.

SECTION 2. Section 43.05, Penal Code, is amended by adding Subsection (c) to read as follows:

(c) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or under both sections.

SECTION 3. Section 51.03(b), Family Code, is amended to read as follows:

(b) Conduct indicating a need for supervision is:

(1) subject to Subsection (f), conduct, other than a traffic offense, that violates:

(A) the penal laws of this state of the grade of misdemeanor that are punishable by fine only; or

(B) the penal ordinances of any political subdivision of this state;

(2) the absence of a child on 10 or more days or parts of days within a six-month period in the same school year or on three or more days or parts of days within a four-week period from school;

(3) the voluntary absence of a child from the child's home without the consent of the child's parent or guardian for a substantial length of time or without intent to return;

(4) conduct prohibited by city ordinance or by state law involving the inhalation of the fumes or vapors of paint and other protective coatings or glue and other adhesives and the volatile chemicals itemized in Section 485.001, Health and Safety Code;

(5) an act that violates a school district's previously communicated written standards of student conduct for which the child has been expelled under Section 37.007(c), Education Code;

(6) conduct that violates a reasonable and lawful order of a court entered under Section 264.305;

(7) notwithstanding Subsection (a)(1), conduct described by Section 43.02(a) or (b) [43.02(a)(1) or (2)], Penal Code; or

(8) notwithstanding Subsection (a)(1), conduct that violates Section 43.261, Penal Code.

SECTION 4. Section 261.001(1), Family Code, is amended to read as follows:

(1) "Abuse" includes the following acts or omissions by a person:

(A) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(B) causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(C) physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;

(D) failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;

(E) sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or children under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

(F) failure to make a reasonable effort to prevent sexual conduct harmful to a child;

(G) compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner [conduct] that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, prostitution under Section 43.02(b) [43.02(a)(2)], Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;

(H) causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;

(I) the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;

(J) causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;

(K) causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code; or

(L) knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections.

SECTION 5. Section 169.002(a), Health and Safety Code, is amended to read as follows:

(a) The commissioners court of a county or governing body of a municipality may establish a first offender prostitution prevention program for defendants charged with an offense under Section 43.02(b) [~~43.02(a)(2)~~], Penal Code[, ~~in which the defendant offered or agreed to hire a person to engage in sexual conduct~~].

SECTION 6. Section 169A.002(a), Health and Safety Code, is amended to read as follows:

(a) The commissioners court of a county or governing body of a municipality may establish a prostitution prevention program for defendants charged with an offense under Section 43.02(a) [~~43.02(a)(1)~~], Penal Code[, ~~in which the defendant offered or agreed to engage in or engaged in sexual conduct for a fee~~].

SECTION 7. The changes in law made by this Act to Section 43.02, Penal Code, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 8. This Act takes effect September 1, 2015.

The amendment was read.

Senator Huffman moved to concur in the House amendment to **SB 825**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1459 WITH HOUSE AMENDMENT

Senator Bettencourt called **SB 1459** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 1459** (house committee printing) on page 1, line 9, by striking "the authority may not annex or add territory" and substituting "no territory may be annexed or added".

The amendment was read.

Senator Bettencourt moved to concur in the House amendment to **SB 1459**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 907 WITH HOUSE AMENDMENT

Senator Perry called **SB 907** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 907** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the powers and duties of the board of regents of the Texas Tech University System and to workers' compensation coverage for employees of the system's components.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subchapter A, Chapter 109, Education Code, is amended to read as follows:

SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS

SECTION 2. Section 109.001, Education Code, is amended by adding Subsection (d) to read as follows:

(d) The board of regents of the Texas Tech University System may accept, retain in depositories of its choosing, and administer, on terms and conditions acceptable to the board, gifts, grants, or donations of any kind, from any source to the extent not prohibited by state or federal law, for use by the system or any of the component institutions of the system.

SECTION 3. Sections 109.21, 109.22, and 109.23, Education Code, are transferred to Subchapter A, Chapter 109, Education Code, redesignated as Sections 109.002, 109.003, and 109.004, Education Code, and amended to read as follows:

Sec. 109.002 [~~109.21~~]. BOARD OF REGENTS. The government, control, and direction of the policies of the university system and the component institutions are vested in a board of nine regents, who shall be appointed by the governor with the advice and consent of the senate.

Sec. 109.003 [~~109.22~~]. BOARD MEMBERS: TERMS, VACANCIES. Members of the board will [~~Except for the initial appointees, members~~] hold office for staggered [~~of~~] terms of six years, with the terms of three members expiring on January 31 of odd-numbered years. [~~In making the initial appointments, the governor shall designate three for terms expiring in 1971, three for terms expiring in 1973, and three for terms expiring in 1975.~~] Any vacancy shall be filled for the unexpired portion of the term by appointment by the governor with the advice and consent of the senate.

Sec. 109.004 [~~109.23~~]. CHIEF EXECUTIVE OFFICER: SELECTION, DUTIES. The board shall appoint [~~provide~~] a chief executive officer, who shall devote the officer's [~~his~~] attention to the executive management of the university system and who shall be directly accountable to the board for the conduct of the university system. The board, when required by law to be the governing body of any other state educational institution or facility, shall also direct the chief executive officer to be directly responsible for the executive management of that other institution or facility.

SECTION 4. The heading to Subchapter B, Chapter 109, Education Code, is amended to read as follows:

SUBCHAPTER B. POWERS AND DUTIES [~~ADMINISTRATIVE PROVISIONS~~]

SECTION 5. Sections 109.41, 109.42, 109.48, and 109.54, Education Code, are transferred to Subchapter B, Chapter 109, Education Code, redesignated as Sections 109.051, 109.052, 109.053, and 109.054, Education Code, and amended to read as follows:

Sec. 109.051 [~~109.41~~]. EMINENT DOMAIN. The board of regents has the power of eminent domain to acquire land needed to carry out the purposes of the university system and the component institutions.

Sec. 109.052 [~~109.42~~]. RESIDENCES FOR CHANCELLOR AND PRESIDENTS [~~RESIDENCE FOR PRESIDENT~~]. The board may purchase a house or may purchase land and construct a house suitable for the residence of the chancellor of the university system or a president of a component [~~the~~] university.

Sec. 109.053 [~~109.48~~]. UTILITIES EASEMENTS. On terms, conditions, stipulations, and compensation as determined by the board, the board may convey, dedicate, or use any other appropriate method of conveyance to grant, convey, or dedicate rights, title, rights-of-way, or easements involving or in connection with the furnishing or providing of electricity, water, sewage disposal, natural gas, telephone, telegraph, or other utility service on, over, or through the campuses [~~campus~~] of the Texas Tech University System and the component institutions [~~in Lubbock County~~]. The chairman of the board may execute and deliver conveyances or dedications on behalf of the university system and the component institutions [~~Texas Tech University~~].

Sec. 109.054 [~~109.54~~]. MANAGEMENT OF LANDS. The board has the sole and exclusive management and control of lands set aside and appropriated to or acquired by the institutions under its governance. The board may lease, sell, exchange, acquire, dispose of, and otherwise manage, control, and use the lands in any manner and at prices and under terms and conditions the board deems best for the interest of the institutions. However, the board may not sell any of the original main campus of Texas Tech University located in Lubbock, Lubbock County, unless the sale is approved by act of the legislature. No grazing lease shall be made for a period of more than five years.

SECTION 6. The heading to Subchapter C, Chapter 109, Education Code, is amended to read as follows:

SUBCHAPTER C. TEXAS TECH UNIVERSITY [~~POWERS AND DUTIES~~]

SECTION 7. Section 109.01, Education Code, is transferred to Subchapter C, Chapter 109, Education Code, and redesignated as Section 109.101, Education Code, to read as follows:

Sec. 109.101 [~~109.01~~]. TEXAS TECH UNIVERSITY. Texas Tech University is a coeducational institution of higher education located in the city of Lubbock.

SECTION 8. Sections 109.43, 109.45, and 109.52, Education Code, are redesignated as Sections 109.102, 109.103, and 109.104, Education Code, and amended to read as follows:

Sec. 109.102 [~~109.43~~]. DORMITORIES: RULES AND REGULATIONS. The board may adopt rules and regulations it deems advisable requiring any class or classes of students to reside in university dormitories or other buildings.

Sec. 109.103 [~~109.45~~]. [~~CITY~~] MUSEUM. (a) The board may establish [~~rent, lease, or convey, for a sum of money to be determined by the board, a part of the campus, not to exceed four acres, to the city of Lubbock for the sole purpose of building, with bonds or current city taxes, and maintaining with city tax money,~~] a history, science, and art museum.

(b) The board may provide [~~rent or lease~~] a building or any part of a building [~~on the parcel of land to the city of Lubbock~~] for the sole purpose of maintaining a history, science, and art museum [~~for a sum of money to be determined by the board~~].

~~[(e) The board may dedicate for public use a street or streets leading to and connecting the parcel of land and building and to provide ingress and egress to and from a public highway and to and from adjacent parking lots.~~

~~[(d) The board, at its discretion, may contract with the city of Lubbock for the staffing, operation, and maintenance of a history and art museum with funds provided by the city of Lubbock.~~

~~[(e) The board may enter into contracts and agreements which are necessary and proper for carrying out the provisions of this section, provided that no expenditure of money by the board shall be made except as may be appropriated by the legislature.]~~

Sec. 109.104 ~~[109.52]~~. DONATIONS, GIFTS, GRANTS, AND ENDOWMENTS. The board may accept donations, gifts, grants, and endowments for Texas Tech University to be held for the benefit of the institution ~~[in trust]~~ and administered by the board.

SECTION 9. Subchapter D, Chapter 109, Education Code, is amended to read as follows:

SUBCHAPTER D. MINERAL DEVELOPMENT IN UNIVERSITY LAND

Sec. 109.151 ~~[109.61]~~. MINERAL LEASES; DISPOSITION OF PROCEEDS.

(a) The board may lease for oil, gas, sulphur, or other mineral development to the highest bidder at public auction all or part of the lands under the exclusive control of the board owned by the State of Texas and acquired for the use of Texas Tech University and its divisions.

(b) Any money received by virtue of this section shall be deposited in a special fund managed by the board to be known as the Texas Tech University special mineral fund. Money in the fund is considered to be institutional funds, as defined by Section 51.009, of the university and is to be used exclusively for the university ~~[and its branches and divisions]~~. All deposits in and investments of the fund shall be made in accordance with Section 51.0031. Section 34.017, Natural Resources Code, does not apply to the fund.

Sec. 109.152 ~~[109.62]~~. MAJORITY OF BOARD TO ACT. A majority of the board has power to act in all cases under this subchapter except as otherwise provided in this subchapter.

Sec. 109.153 ~~[109.63]~~. SUBDIVISION OF LAND; TITLES. (a) The board may have the lands surveyed or subdivided into tracts, lots, or blocks which, in its ~~[their]~~ judgment, will be most conducive and convenient to an advantageous sale or lease of oil, gas, sulphur, or other minerals in and under and that may be produced from the lands; and the board may make maps and plats which it deems necessary to carry out the purposes of this subchapter.

(b) The board may obtain authentic abstracts of title to the lands from time to time as it deems necessary and may take necessary steps to perfect a merchantable title to the lands.

Sec. 109.154 ~~[109.64]~~. SALE OF LEASES; ADVERTISEMENTS; PAYMENTS. (a) Whenever in the opinion of the board there is a demand for the purchase of oil, gas, sulphur, or other mineral leases on any tract or part of any tract of land which can be ~~[will]~~ reasonably expected to result in ~~[insure]~~ an advantageous sale, the board shall place the oil, gas, sulphur, or other mineral leases on the land on the market in a tract or tracts, or any part of a tract, which the board may designate.

(b) The board shall have advertised a brief description of the land from which the oil, gas, sulphur, or other minerals is proposed to be leased. The advertisement shall be made by publishing ~~[inserting]~~ in two or more papers of general circulation in this state, and in addition, the board may, in its discretion, cause the advertisement to be placed in an oil and gas journal published in and out of the state. The board may also mail copies of the proposals to the county judge of the county where the lands are located and to other persons the board believes would be interested.

(c) The board may sell the lease or leases to the highest bidder at public auction ~~[at the university in Lubbock at any hour between 10 a. m. and 5 p. m.]~~.

(d) The highest bidder shall pay to the board on the day of the sale 25 percent of the bonus bid, and the balance of the bid shall be paid within 24 hours after the bidder is notified that the bid has been accepted. Payments shall be made in cash, certified check, ~~[or]~~ cashier's check, or electronic payment, as the board directs. The failure of the bidder to pay the balance of the amount bid will forfeit to the board the 25 percent of the bonus bid paid.

Sec. 109.155 ~~[109.65]~~. SEPARATE BIDS; MINIMUM ROYALTY; DELAY RENTAL. (a) A separate bid shall be made for each tract or subdivision of a tract.

(b) No bid shall be accepted which offers a royalty of less than one-eighth of the gross production of oil, gas, sulphur, and other minerals in the land bid upon. The board may increase~~[, and]~~ this minimum royalty ~~[may be increased]~~ at the discretion of the board.

(c) Every bid shall carry the obligation to pay an amount not less than \$5 ~~[\$1]~~ per acre for delay in drilling or development. The amount shall be fixed by the board in advance of the advertisement. The delay rental ~~[amount fixed]~~ shall be paid every year for five years unless in the meantime production in paying quantities is had upon the land or the land is released by the lessee.

Sec. 109.156 ~~[109.66]~~. REJECTION OF BIDS; WITHDRAWAL OF LAND. The board may reject any and all bids and may withdraw any land advertised for lease.

Sec. 109.157 ~~[109.67]~~. ACCEPTANCE; CONDITIONS AND PROVISIONS OF LEASE. (a) If, in the opinion of the board, ~~[any one of]~~ the highest bidder ~~[bidders]~~ has offered a reasonable and proper price for any tract, which is not less than the price set by the board, the lands advertised may be leased for oil, gas, sulphur, and other mineral purposes under the terms of this section and subject to regulations prescribed by the board which are not inconsistent with the provisions of this section. In the event no bid is accepted by the board at public auction, any subsequent procedure for the sale of the leases shall be in the manner prescribed in the preceding sections.

(b) No lease shall be made by the board which will permit the drilling or mining for oil, gas, sulphur, or other minerals within 500 ~~[300]~~ feet of any building or structure on the land without the consent of the board. In making any lease on any experimental station or farm, the lease shall provide that the operations for oil, gas, and other minerals shall not in any way interfere with use of the land for university purposes and shall not cause the abandonment of the property or its use for experimental farm purposes. The lease shall also provide that the lessee operating the property shall drill and carry on the lessee's ~~[his]~~ operations in such a way as not to

interfere with uses [~~cause the abandonment~~] of the property for university purposes, and the leased property shall be subject to the use by the state for all university purposes[~~, and the board shall continue to operate the university~~].

Sec. 109.158 [~~109.68~~]. ACCEPTANCE AND FILING OF BIDS; [~~YEARLY PAYMENTS;~~] TERMINATION OF LEASE. (a) If the board determines that a satisfactory bid has been received for the oil, gas, sulphur, or other mineral lands, it shall accept the bid and reject all others and shall file the accepted bid in the general land office.

(b) [~~Whenever the royalties shall amount to as much as the yearly payments fixed by the board, the yearly payments may be discontinued.~~

[~~(c)~~] If before the expiration of five years oil, gas, sulphur, or other minerals have not been produced in paying quantities, the lease shall terminate unless extended as provided in Sections 109.160 [~~109.70~~] and 109.161 [~~109.71 of this code~~].

Sec. 109.159 [~~109.69~~]. AWARD AND FILING OF LEASE. If the board determines that a satisfactory bid has been received for the oil, gas, sulphur, or other minerals, it shall make an award to the bidder offering the highest price, and a lease shall be filed in the general land office.

Sec. 109.160 [~~109.70~~]. EXPLORATORY TERM OF LEASE; EXTENSION; OTHER PROVISIONS. (a) The exploratory term of a lease as determined by the board prior to the promulgation of the advertisement shall not exceed five years, and each lease shall provide that the lease will terminate at the expiration of its exploratory term unless by unanimous vote of the board the lease is extended for a period not to exceed [~~of~~] three years.

(b) [~~The lease may be extended if the board finds that there is a likelihood of oil, gas, sulphur, or other minerals being discovered by the lessees, and that the lessees have proceeded with diligence to protect the interest of the state.~~] If oil, gas, sulphur, or other minerals are being produced in paying quantities from the premises, the lease shall continue in force and effect as long as the oil, gas, sulphur, or other minerals are being so produced. No extension may be made by the board until the last 30 days of the original term of the lease.

(c) The lease shall include additional provisions and regulations prescribed by the board to preserve the interest of the state, not inconsistent with the provisions of this subchapter.

Sec. 109.161 [~~109.71~~]. EXTENSION OF LEASES. When in the discretion of the board it is deemed for the best interest of the state to extend a lease issued by the board, the board may by unanimous vote extend the lease for a period not to exceed three years, on the condition that the lessee shall continue to pay yearly rental as provided in the lease and shall comply with any additional terms [~~which~~] the board requires [~~may see fit and proper to demand~~]. The board may extend the lease and execute an extension agreement.

Sec. 109.162 [~~109.72~~]. CONTROL OF DRILLING AND PRODUCTION. The drilling for and the production of oil, gas, and other minerals from the lands shall be governed and controlled by the Railroad Commission of Texas and other applicable regulatory bodies which govern and control other fields in this state.

Sec. 109.163 ~~[109.73]~~. DRILLING OPERATIONS: SUSPENSION OF RENT; CONTINUANCE OF LEASE; DUTY TO PREVENT DRAINAGE. (a) If during the term of a lease issued under the provisions of this subchapter the lessee is engaged in actual drilling operations for the discovery of oil, gas, sulphur, or other minerals, no rentals shall be payable as to the tract on which the operations are being conducted as long as the operations are proceeding in a good and workmanlike manner in a good faith attempt to produce oil, gas, sulphur, or other minerals from the well ~~[faith]~~.

(b) In the event oil, gas, sulphur, or other minerals are discovered in paying quantities on any tract of land covered by a lease, then the lease as to that tract shall remain in force as long as oil, gas, sulphur, or other minerals are produced in paying quantities from the tract.

(c) In the event of the discovery of oil, gas, sulphur, or other minerals on any tract covered by a lease or on any land adjoining the tract, the lessee shall conduct such operations as may be necessary to prevent drainage from the tract covered by the lease to properly develop the same to the extent that a reasonably prudent individual ~~[man]~~ would do under the same and similar circumstances.

Sec. 109.164 ~~[109.74]~~. TITLE TO RIGHTS PURCHASED; ASSIGNMENT; RELINQUISHMENT. (a) Title to all rights purchased may be held by the lessee ~~[owners]~~ as long as the area produces oil, gas, sulphur, or other minerals in paying quantities.

(b) All rights purchased may be assigned. All assignments shall be filed in the general land office as prescribed by rule, accompanied by 10 cents per acre for each acre assigned and the filing fee as prescribed by rule. An assignment shall not be effective unless filed as required by rule.

(c) All rights to all or any part of a leased tract may be released to the state at any time by recording a release instrument in the county or counties in which the tract is located. Releases shall also be filed with the chairman of the board and the general land office, accompanied by the filing fee prescribed by rule. A release shall not relieve the lessee ~~[owner]~~ of any obligations or liabilities incurred prior to the release.

(d) The board shall authorize any required infrastructure, including ~~[the laying of pipeline and telephone line and]~~ the opening of roads deemed reasonably necessary in carrying out the purposes of this subchapter.

Sec. 109.165 ~~[109.75]~~. PAYMENT OF ROYALTIES; RECORDS; REPORT OF RECEIPTS. (a) If oil, gas, or other minerals are developed on any of the lands leased by the board, the royalty as stipulated in the sale shall be paid to the general land office in Austin on or before the last day of each month for the preceding month during the life of the rights purchased. The royalty payments shall be set aside as specified in Section 109.151 ~~[109.61]~~ and used as provided in that section.

(b) The royalty paid to the general land office shall be accompanied by the sworn statement of the lessee ~~[owner]~~, manager, or other authorized agent showing the gross amount of oil, gas, sulphur, or other minerals produced and sold off the premises and the market value of the minerals, together with a copy of all daily gauges, or vats, tanks, gas meter readings, pipeline receipts, gas line receipts, and other checks and memoranda of the amounts produced and put into pipelines, vats, tanks, or pool and gas lines or gas storage. The books and accounts, receipts and discharges of all wells, tanks, vats, pools, meters, and pipelines, and all contracts and

other records pertaining to the production, transportation, sale, and marketing of the oil, gas, sulphur, or other minerals shall at all times be subject to inspection and examination by any member of the board or any duly authorized representative of the board.

(c) The commissioner of the general land office shall tender to the board on or before the 10th day of each month a report of all receipts that are collected from the lease or sale of oil, gas, sulphur, or other minerals and that are deposited in the special fund as provided by Section 109.151 [~~109.61~~] during the preceding month.

Sec. 109.166 [~~109.76~~]. PROTECTION FROM DRAINAGE; FORFEITURE OF RIGHTS. (a) In every case where the area in which oil, gas, sulphur, or other minerals sold is contiguous or adjacent to lands which are not lands belonging to and held by the university, the acceptance of the bid and the sale made thereby shall constitute an obligation of the lessee [~~owner~~] to adequately protect the land leased from drainage from the adjacent lands to the extent that a reasonably prudent operator would do under the same and similar circumstances.

(b) In cases where the area in which the oil, gas, sulphur, or other minerals sold is contiguous to other lands belonging to and held by the university which have been leased or sold at a lesser royalty, the lessee [~~owner~~] shall protect the land from drainage from the lands leased or sold for a lesser royalty.

(c) On failure to protect the land from drainage as provided in this section, the sale and all rights acquired may be forfeited by the board in the manner provided in Section 109.167 [~~109.77 of this code~~] for forfeitures.

Sec. 109.167 [~~109.77~~]. FORFEITURE AND OTHER REMEDIES; LIENS. (a) Leases granted under the provisions of this chapter are subject to forfeiture by the board by an order entered in the minutes of the board reciting the acts or omissions constituting a default and declaring a forfeiture.

(b) Any of the following acts or omissions constitutes a default:

(1) the failure or refusal by the lessee [~~owner~~] of the rights acquired under this chapter to make a payment of a sum due, either as rental or royalty on production, within 30 days after the payment becomes due;

(2) the making of a false return or false report concerning production, royalty, drilling, or mining by the lessee [~~owner~~] or the lessee's [~~his~~] authorized agent;

(3) the failure or refusal of the lessee [~~owner~~] or the lessee's [~~his~~] agent to drill an offset well or wells in good faith, as required by the lease;

(4) the refusal of the lessee [~~owner~~] or the lessee's [~~his~~] agent to allow the proper authorities access to the records and other data pertaining to the operations authorized in this subchapter;

(5) the failure or refusal of the lessee [~~owner~~] or the lessee's [~~his~~] authorized agent to give correct information to the proper authorities, or to furnish the log of any well within 30 days after production is found in paying quantities; or

(6) the violation by the lessee [~~owner~~] of any material term of the lease.

(c) The board may, if it so desires, have suit for forfeiture instituted through the attorney general.

(d) On proper showing by the forfeiting lessee [~~owner~~] within 30 days after the declaration of forfeiture, the lease may be reinstated at the discretion of the board and upon terms prescribed by the board.

(e) In case of violation by the lessee [~~owner~~] of the lease contract, the remedy of forfeiture shall not be the exclusive remedy, and the state may institute suit for damages or specific performance or both.

(f) The state shall have a first lien on oil, gas, sulphur, or other minerals produced or that may be produced in the leased area, and on all rigs, tanks, vats, pipelines, telephone lines, and machinery and appliances used in the production and handling of oil, gas, sulphur, or other minerals produced, to secure the amount due from the lessee [~~owner of the lease~~].

Sec. 109.168 [~~109.78~~]. FILING OF DOCUMENTS AND PAYMENT OF ROYALTIES, FEES, AND RENTALS. (a) All surveys, files, copies of sale and lease contracts, and other records pertaining to the sales and leases authorized in this subchapter shall be filed in the general land office and shall constitute archives.

(b) Payment of all royalties, lease fees, rentals for delay in drilling or mining, filing fees for assignments and relinquishments, and all other payments shall be made to the commissioner of the general land office at Austin. The commissioner shall transmit all payments received to the board for deposit to the credit of the Texas Tech University special mineral fund as provided by Section 109.151 [~~109.61~~].

Sec. 109.169 [~~109.79~~]. FORMS, REGULATIONS, RULES, AND CONTRACTS. The board shall adopt proper forms, regulations, rules, and contracts which, in its judgment, will protect the income from lands leased pursuant to this subchapter.

Sec. 109.170 [~~109.80~~]. MANAGEMENT OF SURFACE AND MINERAL ESTATES. (a) The board may lease for oil, gas, sulphur, ore, water, and other mineral development all land under its exclusive control for the use of the university. The board may make and enter into pooling agreements, division orders, or other contracts necessary in the management and development of its land.

(b) All leases, pooling agreements, division orders, or other contracts entered into by the board shall be on terms that the board considers in the best interest of the university. The board may not sell a lease for less than the royalty and rental terms demanded at that time by the General Land Office in connection with the sale of oil, gas, and other mineral leases of the public lands of this state.

(c) All money received under the leases and contracts executed for the management and development of the land, except revenue pledged to the payment of revenue bonds or notes, shall be deposited to the credit of a special fund created by the board. The board shall designate a depository for the special fund and protect the money deposited in it by the pledging of assets of the depository in the same manner as is required for the protection of public funds. Money deposited in the special fund may be used by the board for the administration of the university, for payment of principal of and interest on revenue bonds or notes issued by the board, and for any other purpose that in the judgment of the board may be for the good of the university.

SECTION 10. Sections 110.01, 110.02, 110.11, and 110.32, Education Code, are amended to read as follows:

Sec. 110.01. TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER; SEPARATE INSTITUTION. Texas Tech University Health Sciences Center is a separate institution and not a department, school, or branch of Texas Tech University

but is under the direction, management, and control of the Texas Tech University System Board of Regents. The center is composed of a medical school and other components assigned by law or by the coordinating board.

Sec. 110.02. CONCURRENT [~~AND SEPARATE~~] POWERS. The board of regents has the same powers of governance, control, jurisdiction, and management [~~direction, management, and control~~] over the Health Sciences Center as it exercises [~~they exercise~~] over the Texas Tech University System and its components. [~~However, the board shall act separately and independently on all matters affecting the Health Sciences Center as a separate institution.~~]

Sec. 110.11. MEDICAL SCHOOL ADMISSION POLICIES. The board of regents [~~Board of Regents~~] shall promulgate appropriate rules and regulations pertaining to the admission of students to the medical school [~~which will provide for admission of those students to its entering class each year who are equally or as well qualified as all other students and who have entered a contract with or received a commitment for a stipend, grant, loan or scholarship from the State Rural Medical Education Board. The State Rural Medical Education Board may contract with medical students providing for such students to engage in a general or family practice of medicine for not less than four years after licensing and a period of medical residency, as determined by the rules and regulations established by the State Rural Medical Education Board, in cities of Texas which have a population of less than 5,000 or in rural areas, as that term may be defined by the State Rural Medical Education Board, and said Board is hereby given the authority to define and from time to time redefine the term rural area, at the time the medical practice is commenced. This contract shall provide for a monthly stipend of at least \$100 to be granted by the State Rural Medical Education Board to each person under contract with the State while enrolled as a medical school student~~].

Sec. 110.32. CONCURRENT POWERS. The board of regents has the same powers of governance, control, jurisdiction, and management [~~direction, management, and control~~] over the Texas Tech University Health Sciences Center at El Paso as the board of regents exercises over the other component institutions of the Texas Tech University System.

SECTION 11. The heading to Section 501.022, Labor Code, is amended to read as follows:

Sec. 501.022. EMPLOYEES OF COMPONENT INSTITUTIONS OR SYSTEM ADMINISTRATION OF TEXAS TECH UNIVERSITY SYSTEM.

SECTION 12. Section 501.022, Labor Code, is amended by amending Subsection (a) and adding Subsections (e) and (f) to read as follows:

(a) An eligible employee of Texas Tech University, Texas Tech University Health Sciences Center, Angelo State University, Texas Tech University System Administration, Texas Tech University Health Sciences Center at El Paso, or another agency under the direction and control of the board of regents of the Texas Tech University System is entitled to participate in the workers' compensation program for state employees provided under this chapter.

(e) For purposes of this chapter, Texas Tech University System Administration is a state agency and shall act in the capacity of employer.

(f) For purposes of this chapter, Texas Tech University Health Sciences Center at El Paso is a state agency and shall act in the capacity of employer.

SECTION 13. The following provisions of the Education Code are repealed:

- (1) Section 109.44;
- (2) Section 109.46;
- (3) Section 109.47;
- (4) Section 109.49;
- (5) Section 110.04; and
- (6) Section 110.14.

SECTION 14. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

The amendment was read.

Senator Perry moved to concur in the House amendment to **SB 907**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 108 WITH HOUSE AMENDMENT

Senator Whitmire called **SB 108** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 108** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to certain criminal procedures for misdemeanor offenses committed by children.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 45.0216(h), Code of Criminal Procedure, is amended to read as follows:

(h) Records of a person under 17 years of age relating to a complaint [~~dismissed as provided by Article 45.051 or 45.052~~] may be expunged under this article if:

(1) the complaint was dismissed under Article 45.051 or 45.052 or other law; or

(2) the person was acquitted of the offense.

SECTION 2. Section 45.052(a), Code of Criminal Procedure, is amended to read as follows:

(a) A justice or municipal court may defer proceedings against a defendant who is under the age of 18 or enrolled full time in an accredited secondary school in a program leading toward a high school diploma for not more than 180 days if the defendant:

(1) is charged with an offense that the court has jurisdiction of under Article 4.11 or 4.14[~~, Code of Criminal Procedure~~];

(2) pleads nolo contendere or guilty to the offense in open court with the defendant's parent, guardian, or managing conservator present;

(3) presents to the court an oral or written request to attend a teen court program or is recommended to attend the program by a school employee under Section 37.146, Education Code; and

(4) has not successfully completed a teen court program in the year [~~two years~~] preceding the date that the alleged offense occurred.

SECTION 3. Article 45.058(g), Code of Criminal Procedure, is amended to read as follows:

(g) Except as provided by Subsection (g-1) and Section 37.143(a), Education Code, a law enforcement officer may issue a field release citation as provided by Article 14.06 in place of taking a child into custody for a traffic offense or an offense punishable by fine only.

SECTION 4. Section 37.141(1), Education Code, is amended to read as follows:

(1) "Child" means a person who is:

(A) a student; and

(B) at least 10 years of age and younger than 18 years of age [~~has the meaning assigned by Article 45.058(h), Code of Criminal Procedure, except that the person must also be a student~~].

SECTION 5. Section 37.143(a), Education Code, is amended to read as follows:

(a) A peace officer, law enforcement officer, or school resource officer may not issue a citation to a child who is alleged to have committed a school offense.

SECTION 6. Section 37.146, Education Code, is amended by adding Subsection (c) to read as follows:

(c) A complaint under this subchapter may include a recommendation by a school employee that the child attend a teen court program under Article 45.052, Code of Criminal Procedure, if the school employee believes attending a teen court program is in the best interest of the child.

SECTION 7. (a) Except as provided by Subsection (b) of this section, the changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(b) The change in law made by this Act to Article 45.0216(h), Code of Criminal Procedure, applies to arrest records and files created before, on, or after the effective date of this Act.

SECTION 8. This Act takes effect September 1, 2015.

The amendment was read.

Senator Whitmire moved to concur in the House amendment to **SB 108**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 2002 WITH HOUSE AMENDMENT

Senator Creighton called **SB 2002** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 2002** as engrossed as follows:

On page 3, between lines 23 and 24, add the following appropriately numbered SECTIONS to the bill, and renumber subsequent SECTIONS accordingly:

SECTION _____. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7950 to read as follows:

CHAPTER 7950. F.M. 2920/BECKER ROAD MUNICIPAL UTILITY DISTRICT
OF HARRIS COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7950.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Commission" means the Texas Commission on Environmental Quality.
- (3) "Director" means a board member.
- (4) "District" means the F.M. 2920/Becker Road Municipal Utility District

of Harris County.

Sec. 7950.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7950.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7950.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7950.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7950.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7950.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

- (1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7950.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7950.052, directors serve staggered four-year terms.

Sec. 7950.052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) Brian Toldan;

(2) Elva Composto;

(3) Hudson Kennedy;

(4) Josh Rambo; and

(5) Michael Others.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 7950.003; or

(2) the fourth anniversary of the effective date of the Act enacting this chapter.

(c) If permanent directors have not been elected under Section 7950.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 7950.003; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7950.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7950.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7950.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7950.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 7950.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7950.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 7950.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 7950.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7950.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 7950.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7950.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7950.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7950.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION _____. The F.M. 2920/Becker Road Municipal Utility District of Harris County initially includes all the territory contained in the following area:
FIELD NOTES FOR A 143.175 ACRE TRACT BEING THE RESIDUE OF THE SAME TRACT THAT IS DESCRIBED AS 145.507 ACRES IN THE DEED RECORDED IN HARRIS COUNTY CLERK'S FILE NO. L295708 (SAVE AND EXCEPT A 2.381 ACRE TRACT CONVEYED OUT IN THE DEED RECORDED IN CLERK'S FILE No. 2012449130), AND BEING LOCATED IN THE HARRIS COUNTY SCHOOL LANDS, SECTION 29, ABSTRACT 333, HARRIS COUNTY, TEXAS.

BEGINNING: At a concrete monument found for the Northeast corner of this 143.175 acre tract (and the above described 145.507 acre tract) as located at the intersection of the South line of Farm-to-Market Road 2920 (100 foot width) with the West right-of-way line of Becker Road (66 foot width);

THENCE: South 01° 29' 57" East with the West line of Becker Road a distance of 493.80 feet to a 1/2 inch iron rod found for the Southeast corner of this 143.175 acre tract and also being the Northeast corner of an adjoining 5.000 acre tract (Clerk's File No. T129332);

THENCE: South 88° 10' 30" West a distance of 900.00 feet along the North line of the 5.000 acre tract to a 2 inch iron pipe found for the Northwest corner of the 5.000 acre tract and also being an interior corner of this 143.175 acre tract;

THENCE: South 01° 31' 24" East with the West line of the 5.000 acre tract and a West line of a called 24.287 acre tract (Clerk's File No. T129332) a distance of 842.21 feet to a 2 inch iron pipe found for an interior corner of the 24.287 acre tract and also a lower Southeast corner of this tract;

THENCE: South 88° 12' 00" West at distance of 2300.24 feet with a North line of the called 24.287 acre tract and a South line of this 143.175 acre tract passing a 2 inch iron pipe found for a Northwest corner of the called 24.287 acre tract and the Northeast corner of a 2.381 acre tract (Clerk's File No. 2012449130) and continuing on for a total distance of 2768.46 feet to a 1/2 inch iron rod found for the Southwest corner of this tract and the Northwest corner of the 2.381 acre tract;

THENCE: North 02° 05' 14" West with the West line of this tract and the East line of a called 100.00 acre tract (Clerk's File No. F053682), said 100.00 acre tract has been subdivided into Adams Plaza Subdivision (unrecorded); a distance of 1998.21 feet to a 1/2 inch iron rod found for the Southwest corner of a 1.000 acre tract (Clerk's File NO. S770247);

THENCE: North 88° 21' 15" East a distance of 100.00 feet along the South line of the 1.000 acre tract to a 1/2 inch iron rod found for the Southeast corner of the 1.000 acre tract and being an interior corner of this 143.175 acre tract;

THENCE: North 02° 05' 14" West a distance of 435.21 feet along the East line of the 1.000 acre tract to a 5/8 inch iron rod and cap found for the Northeast corner of the 1.000 acre tract and the Northwest corner of this 143.175 acre tract, said corner is located in the South right-of-way line of F.M. 2920;

THENCE: North 88° 21' 15" East a distance of 361.28 feet with the South line of F.M. 2920 to a concrete monument found for a P.C. of a curve;

THENCE: Continuing along the South line of F.M. 2920 with a curve to the right having a radius of 2241.86 feet and a curve length of 1397.11 feet to a concrete monument found at the curve's P.T.; said curve is subtended by a chord that bears South 73° 50' 17" East a distance of 1374.61 feet;

THENCE: South 55° 58' 14" East a distance of 394.51 feet along the South right-of-way line of F.M. 2920 to a concrete monument found for a P.C. of a curve;

THENCE: Following the South right-of-way line of F.M. 2920 along a curve to the left having a radius of 2341.86 feet and a curve length of 1470.77 feet to a concrete monument found for the P.T. of the curve; said curve is subtended by a chord that bears South 73° 59' 04" East a distance of 1446.72 feet;

THENCE: North 87° 45' 25" East a distance of 221.23 feet along the South right-of-way line of F.M. 2920 to the PLACE OF BEGINNING and containing 143.175 acres of land.

SECTION _____. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7950, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7950.106 to read as follows:

Sec. 7950.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

The amendment was read.

Senator Creighton moved to concur in the House amendment to **SB 2002**.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Hall.

SENATE BILL 1510 WITH HOUSE AMENDMENT

Senator Hancock called **SB 1510** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1510** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to authority of the county auditor to examine and audit the records of certain special districts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 115, Local Government Code, is amended by adding Section 115.0036 to read as follows:

Sec. 115.0036. EXAMINATION AND AUDIT OF RECORDS OF CERTAIN SPECIAL DISTRICTS. (a) The county auditor shall have continual access to and may, at the county auditor's discretion, examine the books, accounts, reports, vouchers, and any other records of:

(1) a special district if the district's budget requires the approval of the commissioners court; and

(2) any subsidiary of a special district described by Subdivision (1) that is supported wholly or partly by public funds.

(b) The county auditor, with the approval of the commissioners court, may audit the books, accounts, reports, vouchers, and any other records of an entity described by Subsection (a) if the county auditor determines an audit is necessary after conducting an examination under Subsection (a).

SECTION 2. This Act takes effect September 1, 2015.

The amendment was read.

Senator Hancock moved to concur in the House amendment to **SB 1510**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1004 WITH HOUSE AMENDMENT

Senator Bettencourt called **SB 1004** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 1004** (house committee printing) by striking "or in a county adjacent to a county with a population of more than three million" in the following places:

(1) on page 1, lines 9-10 and 17-18; and

(2) on page 2, lines 7-9 and 16-17.

The amendment was read.

Senator Bettencourt moved to concur in the House amendment to **SB 1004**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 142 WITH HOUSE AMENDMENT

Senator Garcia called **SB 142** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 142** (house committee printing) in SECTION 1 of the bill, in added Section 13.048(a), Election Code, between "registrars" and "under this section" (page 1, line 10), by inserting "prescribed by the secretary of state or developed by the county and approved by the secretary of state".

The amendment was read.

Senator Garcia moved to concur in the House amendment to **SB 142**.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Burton.

SENATE BILL 630 WITH HOUSE AMENDMENT

Senator Rodríguez called **SB 630** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 630** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to protective orders for certain victims of sexual assault or abuse, stalking, or trafficking.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 7A.01(a), Code of Criminal Procedure, is amended to read as follows:

(a) The following persons may file an application for a protective order under this chapter without regard to the relationship between the applicant and the alleged offender:

(1) a person who is the victim of an offense under Section 21.02, 21.11, 22.011, 22.021, or 42.072, Penal Code;

(2) a person who is the victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code;

(3) a parent or guardian acting on behalf of a person younger than 17 years of age who is the victim of an offense listed in Subdivision (1);

(4) a parent or guardian acting on behalf of a person younger than 18 years of age who is the victim of an offense listed in Subdivision (2); or

(5) a prosecuting attorney acting on behalf of a person described by Subdivision (1), ~~or~~ (2), (3), or (4).

SECTION 2. The heading to Article 56.021, Code of Criminal Procedure, is amended to read as follows:

Art. 56.021. RIGHTS OF VICTIM OF SEXUAL ASSAULT OR ABUSE, STALKING, OR TRAFFICKING.

SECTION 3. Article 56.021, Code of Criminal Procedure, is amended by adding Subsection (d) to read as follows:

(d) This subsection applies only to a victim of an offense under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.021, 42.072, or 43.05, Penal Code. In addition to the rights enumerated in Article 56.02 and, if applicable, Subsection (a) of this article, a victim described by this subsection or a parent or guardian of the victim is entitled to the following rights within the criminal justice system:

(1) the right to request that the attorney representing the state, subject to the Texas Disciplinary Rules of Professional Conduct, file an application for a protective order under Article 7A.01 on behalf of the victim;

(2) the right to be informed:

(A) that the victim or the victim's parent or guardian, as applicable, may file an application for a protective order under Article 7A.01;

(B) of the court in which the application for a protective order may be filed; and

(C) that, on request of the victim or of the victim's parent or guardian, as applicable, and subject to the Texas Disciplinary Rules of Professional Conduct, the attorney representing the state may file the application for a protective order;

(3) if the victim or the victim's parent or guardian, as applicable, is present when the defendant is convicted or placed on deferred adjudication community supervision, the right to be given by the court the information described by Subdivision (2) and, if the court has jurisdiction over applications for protective orders that are filed under Article 7A.01, the right to file an application for a protective order immediately following the defendant's conviction or placement on deferred adjudication community supervision; and

(4) if the victim or the victim's parent or guardian, as applicable, is not present when the defendant is convicted or placed on deferred adjudication community supervision, the right to be given by the attorney representing the state the information described by Subdivision (2).

SECTION 4. The change in law made by this Act applies to a victim of criminally injurious conduct for which a judgment of conviction is entered or a grant of deferred adjudication is made on or after the effective date of this Act, regardless of whether the criminally injurious conduct occurred before, on, or after the effective date of this Act.

SECTION 5. This Act takes effect September 1, 2015.

The amendment was read.

Senator Rodríguez moved to concur in the House amendment to **SB 630**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

(Senator L. Taylor in Chair)

SENATE BILL 287 WITH HOUSE AMENDMENT

Senator West called **SB 287** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 287** by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Article 103.001, Code of Criminal Procedure, is amended to read as follows:

Art. 103.001. COSTS PAYABLE. (a) In a justice or municipal court, a [A] cost is not payable by the person charged with the cost until a written bill is:

(1) produced or [~~is~~] ready to be produced, containing the items of cost; and
(2) [~~s~~] signed by the officer who charged the cost or the officer who is
entitled to receive payment for the cost.

(b) In a court other than a justice or municipal court, a cost is not payable by the
person charged with the cost until a written bill containing the items of cost is:

(1) produced;
(2) signed by the officer who charged the cost or the officer who is entitled
to receive payment for the cost; and
(3) provided to the person charged with the cost.

SECTION _____. Article 103.001, Code of Criminal Procedure, as amended by this Act, applies only to a cost incurred on or after the effective date of this Act. A cost incurred before the effective date of this Act is governed by the law in effect on the date the cost was incurred, and the former law is continued in effect for that purpose.

The amendment was read.

Senator West moved to concur in the House amendment to **SB 287**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1073 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 1073** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1073** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to the requirements for a candidate's application or nomination for a place on the ballot and related procedures.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 141.031(a), Election Code, is amended to read as follows:

(a) A candidate's application for a place on the ballot that is required by this code must:

- (1) be in writing;
- (2) be signed and sworn to by the candidate and indicate the date that the candidate swears to the application;
- (3) be timely filed with the appropriate authority; and
- (4) include:
 - (A) the candidate's name;
 - (B) the candidate's occupation;
 - (C) the office sought, including any place number or other distinguishing number;
 - (D) an indication of whether the office sought is to be filled for a full or unexpired term if the office sought and another office to be voted on have the same title but do not have place numbers or other distinguishing numbers;

- (E) a statement that the candidate is a United States citizen;
- (F) a statement that the candidate has not been determined by a final judgment of a court exercising probate jurisdiction to be:
 - (i) totally mentally incapacitated; or
 - (ii) partially mentally incapacitated without the right to vote;
- (G) a statement that the candidate has not been finally convicted of a felony from which the candidate has not been pardoned or otherwise released from the resulting disabilities;
- (H) the candidate's date of birth;
- (I) the candidate's residence address or, if the residence has no address, the address at which the candidate receives mail and a concise description of the location of the candidate's residence;
- (J) the candidate's length of continuous residence in the state and in the territory from which the office sought is elected as of the date the candidate swears to the application;
- (K) the statement: "I, _____, of _____ County, Texas, being a candidate for the office of _____, swear that I will support and defend the constitution and laws of the United States and of the State of Texas"; ~~and~~
- (L) a statement that the candidate is aware of the nepotism law, Chapter 573, Government Code; and
- (M) a public mailing address and any available electronic mail address at which the candidate receives correspondence relating to the candidate's campaign.

SECTION 2. Section 172.021, Election Code, is amended by adding Subsections (b-1) and (b-2) to read as follows:

(b-1) Except as provided by Subsection (b-2), the authority receiving an application shall return it to the applicant as incomplete if the applicant submits payment of a fee that is returned for insufficient funds. The applicant may resubmit the application before the end of the filing period, but payment of the filing fee may not be made in the form of a check from the same account as that of the payment previously returned for insufficient funds.

(b-2) If a payment of a filing fee is returned for insufficient funds after the end of the filing period, the application is not considered to be timely filed, and the authority receiving the application shall inform the applicant that the application was not valid.

SECTION 3. Subchapter B, Chapter 172, Election Code, is amended by adding Section 172.0221 to read as follows:

Sec. 172.0221. NOTICE TO CANDIDATE REGARDING POSTING OF CERTAIN INFORMATION. The authority with whom an application is filed must inform the candidate that the candidate's public mailing address and, if provided on the application, the candidate's electronic mail address will be posted by the secretary of state on the secretary's publicly viewable website.

SECTION 4. Section 172.028(a), Election Code, is amended to read as follows:

(a) Except as provided by Subsection (c), the state chair shall certify to the secretary of state for placement on the general primary election ballot the name of each candidate who files with the chair an application that complies with Section 172.021(b). The secretary of state shall post on the secretary's Internet website that is viewable by the public:

(1) the certified list; and

(2) for each certified candidate, the public mailing address and, if provided by the candidate, the electronic mail address at which the candidate receives correspondence relating to the candidate's campaign.

SECTION 5. The heading to Section 172.116, Election Code, is amended to read as follows:

Sec. 172.116. LOCAL CANVASS RELATING TO CANDIDATES WHO FILED AN APPLICATION FOR A PLACE ON THE BALLOT IN ACCORDANCE WITH THE GENERAL REQUIREMENTS.

SECTION 6. Sections 172.116(a), (b), and (g), Election Code, are amended to read as follows:

(a) The county chair and, if available, at least one member of the county executive committee selected by the county executive committee shall canvass the precinct election returns for the county.

(b) The county chair and any selected county executive committee member shall convene to conduct the local canvass [at the county seat] on the second Thursday after election day at the hour specified by the county chair and posted on the county party website or the commissioners court bulletin board if the county organization of the political party does not maintain a website.

(g) The official result of the primary election, except for offices canvassed at the state level, is determined from the local canvass of precinct returns and shall be posted to the secretary of state's website.

SECTION 7. The heading to Section 172.117, Election Code, is amended to read as follows:

Sec. 172.117. CERTIFICATION OF NOMINEES WHO FILED AN APPLICATION FOR A PLACE ON THE BALLOT IN ACCORDANCE WITH THE GENERAL REQUIREMENTS FOR COUNTY AND PRECINCT OFFICES FOR PLACEMENT ON GENERAL ELECTION BALLOT.

SECTION 8. Section 172.117, Election Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), and (a-3) to read as follows:

(a) The county chair shall certify by posting on the secretary of state's website a notation next to [in writing for placement on the general election ballot] the name and address of each primary candidate who is nominated for a county or precinct office for placement on the general election ballot. The chair shall execute and file with the county clerk an affidavit certifying that the returns posted on the secretary of state's website are the correct and complete returns. The secretary of state may adopt by rule a process to allow the chair to submit the affidavit digitally.

(a-1) The secretary of state shall develop appropriate notations to describe the status of each candidate. The notations shall include:

(1) "filed";

(2) "withdrew";

- (3) "lost primary";
- (4) "in runoff";
- (5) "lost runoff";
- (6) "deceased"; or
- (7) "nominee for general election."

(a-2) The county chair shall update the notations after each general primary and runoff primary election. After any withdrawal or death of a candidate, and subsequent replacement of the candidate on the ballot, the chair shall update the notation on the website. All notations must be completed and accurate on the date prescribed by the secretary of state by rule to ensure that an authority printing general election ballots may rely on the information.

(a-3) After the notations have been placed on the website and the affidavit has been filed as required by Subsection (a), the authority preparing the official general election ballot shall use the list of candidates named on the secretary of state's website as the nominees for general election in preparing the general election ballot.

SECTION 9. The heading to Section 172.120, Election Code, is amended to read as follows:

Sec. 172.120. STATE CANVASS RELATING TO CANDIDATES WHO FILED AN APPLICATION FOR A PLACE ON THE BALLOT IN ACCORDANCE WITH THE GENERAL REQUIREMENTS.

SECTION 10. Sections 172.120(a), (b), (b-1), (f), and (h), Election Code, are amended to read as follows:

(a) The state chair [~~executive committee~~] shall canvass the county election returns.

(b) The state chair [~~executive committee~~] shall [~~convene to~~] conduct the state canvass for the general primary election not later than:

(1) the second Sunday after general primary election day, for an election in which three or more candidates are seeking election to the same office; or

(2) the 22nd day after general primary election day, for an election not described by Subdivision (1).

(b-1) Not later than the third Saturday after runoff primary election day, the [~~committee shall convene at the call of the~~] state chair shall complete [~~to conduct~~] the state canvass of the runoff primary election.

(f) The [~~Not later than the 20th day after the date the state canvass is completed, the state chair shall deliver the committee's tabulation to the~~] secretary of state[, who] shall preserve and archive on the secretary's website all of the information pertaining to candidates and the canvass results [~~it for the period for preserving the precinct election records~~].

(h) The official result of the primary election for offices canvassed by the state chair [~~executive committee~~] is determined from its canvass of the county returns.

SECTION 11. The heading to Section 172.122, Election Code, is amended to read as follows:

Sec. 172.122. CERTIFICATION OF NOMINEES WHO FILED AN APPLICATION FOR A PLACE ON THE BALLOT IN ACCORDANCE WITH THE GENERAL REQUIREMENTS FOR STATEWIDE AND DISTRICT OFFICES TO SECRETARY OF STATE.

SECTION 12. Section 172.122(a), Election Code, is amended to read as follows:

(a) The state chair shall certify by posting on the secretary of state's website ~~[in writing as the party's nominee]~~ the name and address of each primary candidate who is nominated for a statewide or district office. The state chair shall execute and file with the secretary of state an affidavit certifying that the returns posted on the secretary of state's website are the correct and complete returns. The secretary of state may adopt by rule a process to allow the chair to submit the affidavit digitally.

SECTION 13. The heading to Section 172.124, Election Code, is amended to read as follows:

Sec. 172.124. REPORTING PRECINCT RESULTS TO SECRETARY OF STATE RELATING TO CANDIDATES WHO FILED AN APPLICATION FOR A PLACE ON THE BALLOT IN ACCORDANCE WITH THE GENERAL REQUIREMENTS.

SECTION 14. Section 172.124(a), Election Code, is amended to read as follows:

(a) For each primary election, the county clerk ~~[chair]~~ shall prepare a report of the number of votes, including early voting votes, received in each county election precinct by each candidate for a statewide office or the office of United States representative, state senator, or state representative, as provided by Section 67.017 for the report of precinct results for a general election.

SECTION 15. The following provisions of the Election Code are repealed:

- (1) Sections 172.021(e) and (g);
- (2) Sections 172.116(c), (d), and (e);
- (3) Section 172.117(b); and
- (4) Sections 172.120(c), (d), and (e).

SECTION 16. As soon as practicable, but not later than December 31, 2016, the secretary of state shall complete the modifications to the secretary of state's website as necessary to enable compliance with the changes in law made by this Act. This section expires January 1, 2017.

SECTION 17. This Act takes effect September 1, 2015.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 1073**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 995 WITH HOUSE AMENDMENT

Senator Rodríguez called **SB 995** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 995** (House committee printing) as follows:

(1) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 355, Estates Code, is amended by adding Section 355.1551 to read as follows:

Sec. 355.1551. CLAIM HOLDER DUTY TO POSSESS OR SELL WITHIN REASONABLE TIME. (a) A claim holder of a claim allowed and approved under Section 355.151(a)(2) who elects to take possession or sell the property securing the debt before final maturity in satisfaction of the claim holder's claim must do so within a reasonable time, as determined by the court.

(b) If the claim holder fails to take possession or sell secured property within a reasonable time under Subsection (a), on application by the personal representative, the court may require the sale of the property free of the lien and apply the proceeds to the payment of the whole debt.

(c) This section does not apply to an estate administered as an independent administration under Subtitle I.

(2) On page 39, line 9, between "Chapter 255," and "and", insert "Section 355.1551,".

The amendment was read.

Senator Rodríguez moved to concur in the House amendment to **SB 995**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 740 WITH HOUSE AMENDMENT

Senator West called **SB 740** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 740** (house committee printing) on page 1 by striking lines 19 through 21 and substituting the following:
fine only.

The amendment was read.

Senator West moved to concur in the House amendment to **SB 740**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1309 WITH HOUSE AMENDMENT

Senator Menéndez called **SB 1309** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1309** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a Junior Reserve Officer Training Corps teaching certificate and eligibility of such certified teacher for other educator certification.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.0487 to read as follows:

Sec. 21.0487. JUNIOR RESERVE OFFICER TRAINING CORPS TEACHER CERTIFICATION. (a) The board shall establish a standard Junior Reserve Officer Training Corps teaching certificate to provide Junior Reserve Officer Training Corps instruction.

(b) To be eligible for a certificate under this section, a person must:

(1) hold a bachelor's degree from an institution of higher education that is, and at the time the person received the degree was, accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board;

(2) satisfy the eligibility and testing requirements for certification as a Junior Reserve Officer Training Corps instructor established by the branch of service in which the person served; and

(3) complete an approved educator preparation program.

(c) The board shall propose rules to:

(1) approve educator preparation programs to prepare a person as a teacher for certification under this section; and

(2) establish requirements under which:

(A) a person's training and experience acquired during the person's military service serves as proof of the person's demonstration of subject matter knowledge if that training and experience is verified by the branch of service in which the person served; and

(B) a person's employment by a school district as a Junior Reserve Officer Training Corps instructor before the person was enrolled in an educator preparation program or while the person is enrolled in an educator preparation program is applied to satisfy any student teaching, internship, or field-based experience program requirement.

(d) A person is not required to hold a certificate established under this section to be employed by a school district as a Junior Reserve Officer Training Corps instructor.

SECTION 2. Section 21.046, Education Code, is amended by adding Subsection (e) to read as follows:

(e) For purposes of satisfying eligibility requirements for certification as a principal, a teacher who is certified under Section 21.0487:

(1) is considered to hold a classroom teaching certificate; and

(2) may apply as creditable years of teaching experience as a classroom teacher any period during which the teacher was employed by a school district as a Junior Reserve Officer Training Corps instructor before or after the teacher was certified under Section 21.0487.

SECTION 3. Not later than January 1, 2016, the State Board for Educator Certification shall propose rules relating to the establishment of a Junior Reserve Officer Training Corps teaching certificate as provided by Section 21.0487, Education Code, as added by this Act.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

The amendment was read.

Senator Menéndez moved to concur in the House amendment to **SB 1309**.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Kolkhorst.

SENATE BILL 1369 WITH HOUSE AMENDMENTS

Senator Zaffirini called **SB 1369** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 1369** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to reports on attorney ad litem, guardian ad litem, guardian, mediator, and competency evaluator appointments made by courts in this state and an interim study on a billing system for attorneys ad litem.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 2, Government Code, is amended by adding Chapter 36 to read as follows:

CHAPTER 36. JUDICIAL REPORTS

Sec. 36.001. DEFINITIONS. In this chapter:

(1) "Competency evaluator" means a physician or psychologist who is licensed or certified in this state and who performs examinations to determine whether an individual is incapacitated or has an intellectual disability for purposes of appointing a guardian for the individual. The term includes physicians and psychologists conducting examinations under Sections 1101.103 and 1101.104, Estates Code.

(2) "Guardian" has the meaning assigned by Section 1002.012, Estates Code.

Sec. 36.002. APPLICABILITY; CONFLICT OF LAW. (a) This chapter applies to a court in this state created by the Texas Constitution, by statute, or as authorized by statute.

(b) To the extent of a conflict between this chapter and a specific provision relating to a court, this chapter controls.

Sec. 36.003. EXEMPTION. The reporting requirements of Section 36.004 do not apply to:

(1) a mediation conducted by an alternative dispute resolution system established under Chapter 152, Civil Practice and Remedies Code;

(2) an appointment made under Chapter 33, Family Code;

(3) a guardian ad litem or other person appointed under a program authorized by Section 107.031, Family Code; or

(4) an attorney ad litem, guardian ad litem, amicus attorney, or mediator appointed under a domestic relations office established under Chapter 203, Family Code.

Sec. 36.004. REPORT ON APPOINTMENTS. (a) In addition to a report required by other state law or rule, the clerk of each court in this state shall prepare a report on court appointments for an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator for a case before the court in the preceding month. For a court that does not make an appointment in the preceding month, the clerk of the court must file a report indicating that no appointment was made by the court in that month. The report on court appointments must include:

(1) the name of each person appointed by the court as an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator for a case in that month;

(2) the name of the judge and the date of the order approving compensation to be paid to a person appointed as an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator for a case in that month;

(3) the number and style of each case in which a person was appointed as an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator for that month;

(4) the number of cases each person was appointed by the court to serve as an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator in that month;

(5) the total amount of compensation paid to each attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator appointed by the court in that month and the source of the compensation; and

(6) if the total amount of compensation paid to a person appointed to serve as an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator for one appointed case in that month exceeds \$1,000, any information related to the case that is available to the court on the number of hours billed to the court for the work performed by the person or the person's employees, including paralegals, and the billed expenses.

(b) Not later than the 15th day of each month, the clerk of a court shall:

(1) submit a copy of the report to the Office of Court Administration of the Texas Judicial System; and

(2) post the report at the courthouse of the county in which the court is located and on any Internet website of the court.

(c) The Office of Court Administration of the Texas Judicial System shall prescribe the format that courts and the clerks of the courts must use to report the information required by this section and shall post the information collected under Subsection (b) on the office's Internet website.

Sec. 36.005. FAILURE TO REPORT. If a court in this state fails to provide to the clerk of the court the information required for the report submitted under Section 36.004, the court is ineligible for any grant money awarded by this state or a state agency for the next state fiscal biennium.

Sec. 36.006. TEXAS JUDICIAL COUNCIL RULES. The Texas Judicial Council shall, as the council considers appropriate, adopt rules to implement this chapter.

SECTION 2. (a) The Office of Court Administration of the Texas Judicial System shall conduct a study on the feasibility of establishing a statewide uniform attorney ad litem billing system that would allow attorneys appointed by courts in this state to serve as attorneys ad litem in cases before the courts to enter on a standardized form information regarding the appointment type and duration, case information and activities, numbers of hours served under the appointment, and hourly rate or flat fee paid for the appointment.

(b) The study conducted under this section shall examine:

(1) the possible benefits to this state and to counties in this state of establishing a statewide uniform attorney ad litem billing system;

(2) the number of attorneys in this state providing legal representation in court-appointed matters;

(3) the number of hours spent in client representation activities by attorneys serving as attorneys ad litem;

(4) the qualifications of attorneys serving as attorneys ad litem, including training and specialization;

(5) whether using a standardized billing voucher would provide uniformity in the types of vouchers attorneys are currently required to submit to courts for payment; and

(6) the amount of money spent on court-appointed legal representation by year, court, county, and person served, such as parent, child, or other.

(c) Not later than December 31, 2016, the Office of Court Administration of the Texas Judicial System shall submit an electronic copy of the study conducted under this section to the governor, lieutenant governor, and speaker of the house of representatives.

(d) This section expires September 1, 2017.

SECTION 3. Chapter 36, Government Code, as added by this Act, applies beginning with the state fiscal year that begins September 1, 2016.

SECTION 4. This Act takes effect September 1, 2015.

Floor Amendment No. 1

Amend **CSSB 1369** (house committee report) on page 2, by striking line 6 and substituting the following:

(2) information made confidential under state or federal law, including applicable rules;

The amendments were read.

Senator Zaffirini moved to concur in the House amendments to **SB 1369**.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Bettencourt.

SENATE BILL 1928 WITH HOUSE AMENDMENT

Senator Seliger called **SB 1928** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1928** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED**AN ACT**

relating to ensuring local governmental and community input in any federal refugee resettlement program established in this state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0411 to read as follows:

Sec. 531.0411. RULES REGARDING REFUGEE RESETTLEMENT. (a) In this section, "local resettlement agency" and "national voluntary agency" have the meanings assigned by 45 C.F.R. Section 400.2.

(b) The executive commissioner shall adopt rules to ensure that local governmental and community input is included in any refugee placement report required under a federal refugee resettlement program and that governmental entities and officials are provided with related information. In adopting rules under this section, the executive commissioner shall, to the extent permitted under federal law, ensure that:

(1) meetings are convened, at least quarterly, in the communities proposed for refugee placement at which representatives of local resettlement agencies have an opportunity to consult with and obtain feedback from local governmental entities and officials, including municipal and county officials, local school district officials, and representatives of local law enforcement agencies, and from other community stakeholders, including major providers under the local health care system and major employers of refugees, regarding proposed refugee placement;

(2) a local resettlement agency:

(A) considers all feedback obtained in meetings conducted under Subdivision (1) before preparing a proposed annual report on the placement of refugees for purposes of 8 U.S.C. Section 1522(b)(7)(E);

(B) informs the state and local governmental entities and officials and community stakeholders described under Subdivision (1) of the proposed annual report; and

(C) develops a final annual report for the national voluntary agencies and the commission that includes a summary regarding how stakeholder input contributed to the report; and

(3) the commission:

(A) obtains from local resettlement agencies the preliminary number of refugees the local resettlement agencies recommended to the national voluntary agencies for placement in communities throughout this state and provides that information to local governmental entities and officials in those communities; and

(B) obtains from the United States Department of State or other appropriate federal agency the number of refugees apportioned to this state and provides that information and information regarding the number of refugees intended to be placed in each community in this state to local governmental entities and officials in those communities.

SECTION 2. Not later than May 1, 2016, the executive commissioner of the Health and Human Services Commission shall adopt the rules required under Section 531.0411, Government Code, as added by this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

The amendment was read.

Senator Seliger moved to concur in the House amendment to **SB 1928**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1867 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 1867** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1867** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to excluding certain adult students receiving special education services from computation of completion rates for purposes of public school accountability.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 39.053, Education Code, is amended by adding Subsection (g-2) to read as follows:

(g-2) In computing completion rates under Subsection (c)(2), the commissioner shall exclude students who:

(1) are at least 18 years of age as of September 1 of the school year as reported for the fall semester Public Education Information Management System (PEIMS) submission and have satisfied the credit requirements for high school graduation;

(2) have not completed their individualized education program under 19 T.A.C. Section 89.1070(b)(2) and the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.); and

(3) are enrolled and receiving individualized education program services.

SECTION 2. This Act applies beginning with the 2015-2016 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 1867**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1317 WITH HOUSE AMENDMENT

Senator Menéndez called **SB 1317** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 1317** (house committee report) as follows:

(1) On page 2, line 25, between "RECORDING" and the underlined period, insert "OF CHILD".

(2) On page 2, line 27, between "Code," and "the", insert "that was committed against a child younger than 14 years of age,".

(3) On page 3, line 4, between "Code," and "that", insert "of a child younger than 14 years of age and".

(4) On page 3, line 22, between "RECORDING" and the underlined period, insert "OF CHILD".

(5) On page 3, line 25, between "Code," and "that", insert "of a child younger than 14 years of age and".

The amendment was read.

Senator Menéndez moved to concur in the House amendment to **SB 1317**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1364 WITH HOUSE AMENDMENT

Senator Kolkhorst called **SB 1364** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1364** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to electronic filing of certain reports.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 111.0626(a), Tax Code, is amended to read as follows:

(a) The comptroller by rule shall require electronic filing of:

(1) a report required under Chapter 151, 201, or 202, or an international fuel tax agreement, for a taxpayer who is also required under Section 111.0625 to transfer payments by electronic funds transfer; and

(2) a report required under Section 171.204.

SECTION 2. Section 111.0626(b), Tax Code, is repealed.

SECTION 3. This Act takes effect September 1, 2015.

The amendment was read.

Senator Kolkhorst moved to concur in the House amendment to **SB 1364**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1812 WITH HOUSE AMENDMENT

Senator Kolkhorst called **SB 1812** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1812** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to transparency in the reporting and public availability of information regarding eminent domain authority; providing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2206, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. EMINENT DOMAIN AUTHORITY REPORTING; PUBLIC AVAILABILITY

Sec. 2206.151. APPLICABILITY. This subchapter applies to public and private entities, including common carriers, authorized by the state by a general or special law to exercise the power of eminent domain.

Sec. 2206.152. CREATION DATE. For the purposes of this subchapter, an entity described by Section 2206.151 is considered to have been created on:

(1) the earliest date on which the entity existed if the entity was authorized to exercise the power of eminent domain on that date; or

(2) the earliest date on which the entity was authorized to exercise the power of eminent domain if the entity did not have that authority on the earliest date on which the entity existed.

Sec. 2206.153. EMINENT DOMAIN DATABASE. (a) The comptroller shall create and make accessible on an Internet website maintained by the comptroller an eminent domain database as provided by this section.

(b) The eminent domain database must include with respect to each entity described by Section 2206.151:

(1) the name of the entity;

(2) the entity's address and public contact information;

(3) the name of the appropriate officer or other person representing the entity and that person's contact information;

(4) the type of entity;

(5) each provision of law that grants the entity eminent domain authority;

(6) the focus or scope of the eminent domain authority granted to the entity;

(7) the earliest date on which the entity had the authority to exercise the power of eminent domain;

(8) the entity's taxpayer identification number, if any;

(9) whether the entity exercised the entity's eminent domain authority in the preceding calendar year by the filing of a condemnation petition under Section 21.012, Property Code; and

(10) the entity's Internet website address or, if the entity does not operate an Internet website, contact information to enable a member of the public to obtain information from the entity.

(c) The comptroller may consult with the appropriate officer of, or other person representing, each entity to obtain the information necessary to maintain the eminent domain database.

(d) To the extent information required in the eminent domain database is otherwise collected or maintained by a state agency or political subdivision, the comptroller may request and the state agency or political subdivision shall provide that information and any update to the information as necessary for inclusion in the eminent domain database.

(e) At least annually, the comptroller shall update information in the eminent domain database for each entity, as appropriate.

(f) To the extent possible, the comptroller shall present information in the eminent domain database in a manner that is searchable and intuitive to users. The comptroller may enhance and organize the presentation of the information through the use of graphical representations as the comptroller considers appropriate.

(g) The comptroller may not charge a fee to the public to access the eminent domain database.

Sec. 2206.154. REPORTING OF INFORMATION TO COMPTROLLER.

(a) Except as provided by Subsection (b), not later than February 1 of each year, an entity described by Section 2206.151 shall submit to the comptroller a report containing records and other information specified by this subchapter for the purpose of providing the comptroller with information to maintain the eminent domain database under Section 2206.153. The entity shall submit the report in a form and in the manner prescribed by the comptroller.

(a-1) An entity described by Section 2206.151 created before and in existence for at least 180 days on September 1, 2015, shall submit the entity's initial report under Subsection (a) not later than February 1, 2016. An entity described by Section 2206.151 created before and in existence for less than 180 days on September 1, 2015, shall submit the entity's initial report under Subsection (a) not later than the later of the 180th day after the date of the entity's creation or February 1, 2016. This subsection expires December 1, 2016.

(b) An entity described by Section 2206.151 created on or after September 1, 2015, is not required to submit the entity's initial report under Subsection (a) before the 180th day after the date of the entity's creation.

(c) In addition to the annual report required under Subsection (a), an entity described by Section 2206.151 shall report to the comptroller any changes to the entity's eminent domain authority information reported under this section not later than the 90th day after the date on which the change occurred.

Sec. 2206.155. PENALTIES FOR NONCOMPLIANCE. (a) If an entity does not timely submit a report that complies with Section 2206.154, the comptroller shall provide written notice to the entity:

(1) informing the entity of the entity's violation of that section; and
(2) notifying the entity that the entity will be subject to a penalty of \$1,000 if the entity does not report the required information on or before the 30th day after the date the notice is provided.

(b) Not later than the 30th day after the date the comptroller provides notice to an entity under Subsection (a), the entity must report the required information.

(c) If an entity does not report the required information as prescribed by Subsection (b):

(1) the entity is liable to the state for a civil penalty of \$1,000; and
(2) the comptroller shall provide written notice to the entity:
(A) informing the entity of the entity's liability for the penalty; and
(B) notifying the entity that if the entity does not report the required information on or before the 30th day after the date the notice is provided:

(i) the entity will be subject to an additional penalty of \$1,000; and
(ii) the entity's noncompliance will be reflected in the eminent domain database maintained by the comptroller.

(d) Not later than the 30th day after the date the comptroller provides notice to an entity under Subsection (c), the entity must report the required information.

(e) If an entity does not report the required information as prescribed by Subsection (d):

(1) the entity is liable to the state for a civil penalty of \$1,000; and
(2) the comptroller shall:
(A) reflect the entity's noncompliance in the database required by this subchapter by including the entity on a separately maintained list of noncomplying entities and in any other manner determined appropriate by the comptroller until the entity reports all information required under Section 2206.154; and

(B) provide written notice to the entity that the entity's noncompliance will be reflected in the database until the entity reports the required information.

(f) The attorney general may sue to collect a civil penalty imposed by this section.

Sec. 2206.156. EMINENT DOMAIN AUTHORITY NOT AFFECTED. The reporting, failure to report, or late submission of a report by a public or private entity, including a common carrier, under this subchapter does not affect the entity's authority to exercise the power of eminent domain.

Sec. 2206.157. RULES. The comptroller may adopt rules and establish policies and procedures to implement this subchapter.

SECTION 2. The comptroller of public accounts shall create and post on an Internet website maintained by the comptroller the eminent domain database required by Section 2206.153, Government Code, as added by this Act, not later than September 1, 2016.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

The amendment was read.

Senator Kolkhorst moved to concur in the House amendment to **SB 1812**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

GUESTS PRESENTED

Senator Garcia, joined by Senators Menéndez and Whitmire, was recognized and introduced to the Senate a Texas Organizing Project delegation.

The Senate welcomed its guests.

SENATE BILL 1824 WITH HOUSE AMENDMENT

Senator Campbell called **SB 1824** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1824** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to a study and report on the awarding of the Texas Legislative Medal of Honor.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) The standing committees of both houses of the legislature with primary jurisdiction over military and veterans affairs shall conduct a joint study on the nomination and selection process for the award of the Texas Legislative Medal of Honor. The study must evaluate:

(1) the military tradition for a medal of honor and methods to ensure that the Texas Legislative Medal of Honor upholds that military tradition;

(2) how a service member is nominated and methods to ensure that the service member is nominated based only on the merit of the service performed by the service member; and

(3) a process by which the adjutant general may evaluate the qualifications of nominees for the Texas Legislative Medal of Honor.

(b) Not later than December 1, 2016, the standing committees of both houses of the legislature with primary jurisdiction over military and veterans affairs shall jointly submit to the governor, the lieutenant governor, and the legislature a written report that summarizes the findings of the study conducted under Subsection (a) of this section.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

The amendment was read.

Senator Campbell moved to concur in the House amendment to **SB 1824**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1624 WITH HOUSE AMENDMENT

Senator Rodríguez called **SB 1624** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1624** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to a requirement that certain entering students at a general academic teaching institution receive information regarding mental health and suicide prevention services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9194 to read as follows:

Sec. 51.9194. REQUIRED INFORMATION FOR ENTERING STUDENTS REGARDING MENTAL HEALTH AND SUICIDE PREVENTION SERVICES.

(a) A general academic teaching institution shall provide to each entering full-time undergraduate, graduate, or professional student, including each full-time undergraduate, graduate, or professional student who transfers to the institution, information about:

(1) available mental health and suicide prevention services offered by the institution or by any associated organizations or programs; and

(2) early warning signs that are often present in and appropriate intervention for a person who may be considering suicide.

(b) The information required under this section:

(1) may be provided through:

(A) a live presentation; or

(B) a format that allows for student interaction, such as an online program or video; and

(2) may not be provided in a paper format only.

SECTION 2. Section 51.9194, Education Code, as added by this Act, applies to full-time entering students who are admitted to an undergraduate, graduate, or professional degree program at a general academic teaching institution beginning with the 2016 fall semester.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

The amendment was read.

Senator Rodríguez moved to concur in the House amendment to **SB 1624**.

The motion prevailed by the following vote: Yeas 20, Nays 11.

Yeas: Birdwell, Campbell, Ellis, Eltife, Estes, Fraser, Garcia, Hinojosa, Huffman, Lucio, Menéndez, Nichols, Rodríguez, Seliger, L. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Burton, Creighton, Hall, Hancock, Huffines, Kolkhorst, Nelson, Perry, Schwertner, V. Taylor.

SENATE BILL 1034 WITH HOUSE AMENDMENT

Senator Rodríguez called **SB 1034** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 1034** by adding a new Section 2 and 3 and renumbering accordingly:

SECTION 2. Section 86.0015, Subsection (b) Election Code, is amended by adding a new Section (3) to read as follows:

(3) A person eligible to submit an application under this section may apply to receive all ballots in an even numbered year on the same application submitted for a ballot in the November general election of an odd year.

SECTION 3. Section 86.013 (d), Election Code, is amended to add a new subsection (6) to read as follows:

(6) The secretary of state by rule may redesign the official carrier envelope by moving all the requirements of (1) through (5) to a separate sheet and styling the signature box to insure that a voter is instructed to and must sign over the flap.

The amendment was read.

Senator Rodríguez moved to concur in the House amendment to **SB 1034**.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Bettencourt.

REMARKS ORDERED PRINTED

On motion of Senator Bettencourt and by unanimous consent, the remarks by Senators Rodríguez and Bettencourt regarding **SB 1034** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Bettencourt: Thank you, Mr. President and Senator Rodríguez. Senator Rodríguez, there was an amendment by Representative Miller, on the House, that will allow for an eligible mail-in ballot applicant to receive their mail-in ballots for the even-numbered year on the same application for the November election in the prior year. Is that correct?

Senator Rodríguez: Yes, that is correct.

Senator Bettencourt: And the bill specifies for November election prior to the even-numbered year, is that correct, as well?

Senator Rodríguez: Yes, Sir.

Senator Bettencourt: It's not your or the bill's intent to be able to have an automatic ballot, automatic mail-in ballots for two straight years based on one application. Is that correct?

Senator Rodríguez: That is correct, Senator. The bill refers to the application in November for the odd year. And my intent is that the amendment will be limited to the 60-day application period prior to the odd-year November elections. It would not

allow someone to receive mail-in ballots for the entire odd year and the following year. Sixty days is a standard period of time to apply for mail-in ballots under Section 84.007 in the Election Code.

Senator Bettencourt: Thank you, Senator Rodríguez.

SENATE BILL 1913 WITH HOUSE AMENDMENT

Senator Perry called **SB 1913** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 1913** (house committee report) on page 2, lines 6 and 7, by striking "facilities, and equipment as determined by the judges served, with the approval of [as set by]" and substituting "as determined by the judges served and in the salary range for the position, as set by".

The amendment was read.

Senator Perry moved to concur in the House amendment to **SB 1913**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 1574 ADOPTED

Senator Uresti called from the President's table the Conference Committee Report on **SB 1574**. The Conference Committee Report was filed with the Senate on Wednesday, May 27, 2015.

On motion of Senator Uresti, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Watson.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 1593 ADOPTED

Senator Lucio called from the President's table the Conference Committee Report on **SB 1593**. The Conference Committee Report was filed with the Senate on Thursday, May 28, 2015.

On motion of Senator Lucio, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 1139 ADOPTED

Senator Huffman called from the President's table the Conference Committee Report on **SB 1139**. The Conference Committee Report was filed with the Senate on Thursday, May 28, 2015.

On motion of Senator Huffman, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 207 ADOPTED**

Senator Hinojosa called from the President's table the Conference Committee Report on **SB 207**. The Conference Committee Report was filed with the Senate on Thursday, May 28, 2015.

On motion of Senator Hinojosa, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Hall.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 652 ADOPTED**

Senator Schwertner called from the President's table the Conference Committee Report on **SB 652**. The Conference Committee Report was filed with the Senate on Thursday, May 28, 2015.

On motion of Senator Schwertner, the Conference Committee Report was adopted by the following vote: Yeas 27, Nays 4.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Eltife, Estes, Fraser, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Ellis, Garcia, Menéndez, Rodríguez.

**CONFERENCE COMMITTEE ON HOUSE BILL 928
(Motion In Writing)**

Senator Hinojosa called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 928** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 928** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hinojosa, Chair; Kolkhorst, Campbell, L. Taylor, and Perry.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 100 ADOPTED**

Senator Seliger called from the President's table the Conference Committee Report on **HB 100**. The Conference Committee Report was filed with the Senate on Thursday, May 28, 2015.

On motion of Senator Seliger, the Conference Committee Report was adopted by the following vote: Yeas 26, Nays 5.

Yeas: Bettencourt, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hinojosa, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Burton, Hall, Huffines, V. Taylor.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 311 ADOPTED

Senator Lucio called from the President's table the Conference Committee Report on **HB 311**. The Conference Committee Report was filed with the Senate on Thursday, May 28, 2015.

On motion of Senator Lucio, the Conference Committee Report was adopted by the following vote: Yeas 26, Nays 4, Present-not voting 1.

Yeas: Bettencourt, Birdwell, Campbell, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hinojosa, Huffman, Kolkhorst, Lucio, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Creighton, Hall, Huffines.

Present-not voting: Menéndez.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 20 ADOPTED

Senator Nelson called from the President's table the Conference Committee Report on **SB 20**. The Conference Committee Report was filed with the Senate on Thursday, May 28, 2015.

On motion of Senator Nelson, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

SENATE RESOLUTION 1038

Senator Nelson offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 84th Legislature, Regular Session, 2015, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on Senate Bill 55 (the creation of a grant program to support community mental health programs for veterans and their families) to consider and take action on the following matter:

Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter which is not included in either the house or senate version of the bill by adding the following text to SECTION 1 of the bill, in added Section 531.0992, Government Code:

(g) The executive commissioner shall use a noncompetitive procurement procedure to select a qualified nonprofit or private entity to administer a pilot program of the grant program established under this section. In selecting the qualified nonprofit or private entity, the executive commissioner must consider the purposes of the program and the duties of the program administrator described in this section.

Explanation: This addition is necessary to allow a pilot program of the grant program to be implemented.

SR 1038 was read and was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 55 ADOPTED**

Senator Nelson called from the President's table the Conference Committee Report on **SB 55**. The Conference Committee Report was filed with the Senate on Thursday, May 28, 2015.

On motion of Senator Nelson, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 202 ADOPTED**

Senator Nelson called from the President's table the Conference Committee Report on **SB 202**. The Conference Committee Report was filed with the Senate on Thursday, May 28, 2015.

On motion of Senator Nelson, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

(President in Chair)

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1454 ADOPTED**

Senator Eltife called from the President's table the Conference Committee Report on **HB 1454**. The Conference Committee Report was filed with the Senate on Wednesday, May 27, 2015.

On motion of Senator Eltife, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1367 ADOPTED**

Senator West called from the President's table the Conference Committee Report on **SB 1367**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2015.

On motion of Senator West, the Conference Committee Report was adopted by the following vote: Yeas 29, Nays 2.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Hall, V. Taylor.

SENATE RESOLUTION 1055

Senator Nelson offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 84th Legislature, Regular Session, 2015, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill 3123 (governmental entities subject to the sunset process) to consider and take action on the following matters:

(1) Senate Rule 12.03(2) is suspended to permit the committee to omit text which is not in disagreement, SECTION 2.01 of the house engrossment of House Bill No. 3123 and the corresponding section of the bill as the bill was amended by the senate, relating to the sunset review of the Sulphur River Basin Authority, that reads:

SECTION 2.01. SULPHUR RIVER BASIN AUTHORITY. Section 1A, Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, is repealed.

Explanation: The omission is necessary to continue the sunset review of the Sulphur River Basin Authority.

(2) Senate Rule 12.03(4) is suspended to permit the committee to add text on matters not included in either the house or senate version of the bill by adding the following:

ARTICLE 1. ENTITIES GIVEN 2017 SUNSET DATE

SECTION 1.01. TEXAS DEPARTMENT OF TRANSPORTATION. Section 201.204, Transportation Code, is amended to read as follows:

Sec. 201.204. SUNSET PROVISION. (a) The Texas Department of Transportation is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished September 1, 2017.

(b) The Sunset Advisory Commission shall limit its review of the Texas Department of Transportation in preparation for the work of the 85th Legislature in Regular Session to the department's project planning, selection, programming, and funding processes and its interactions with local transportation entities. In the commission's report to the 85th Legislature, the commission may include any recommendations it considers appropriate. This subsection expires September 1, 2017.

SECTION 1.02. NORTH TEXAS TOLLWAY AUTHORITY. Subchapter A, Chapter 366, Transportation Code, is amended by adding Section 366.005 to read as follows:

Sec. 366.005. SUNSET PROVISION. (a) An authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), as if it were a state agency but is not abolished under that chapter.

(b) An authority shall be reviewed during the period in which state agencies scheduled to be reviewed or abolished in 2017 are reviewed.

(c) An authority shall pay the cost incurred by the Sunset Advisory Commission in performing a review of the authority under this section. The Sunset Advisory Commission shall determine the cost, and the authority shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

(d) This section expires September 1, 2017.

ARTICLE 2. ENTITIES GIVEN 2019 SUNSET DATE

SECTION 2.01. EMPLOYEES RETIREMENT SYSTEM OF TEXAS. Section 815.005, Government Code, is amended to read as follows:

Sec. 815.005. SUNSET PROVISION. The board of trustees of the Employees Retirement System of Texas is subject to review under Chapter 325 (Texas Sunset Act), but is not abolished under that chapter. The board shall be reviewed during the period in which state agencies abolished in 2019 [~~2017~~], and every 12th year after that year, are reviewed.

SECTION 4.04. TEXAS MILITARY DEPARTMENT. Section 437.051, Government Code, is amended to read as follows:

Sec. 437.051. SUNSET PROVISION. The department is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this subchapter expires September 1, 2023 [~~2019~~].

SECTION 4.05. CANCER PREVENTION AND RESEARCH INSTITUTE OF TEXAS. Section 102.003, Health and Safety Code, is amended to read as follows:

Sec. 102.003. SUNSET PROVISION. The Cancer Prevention and Research Institute of Texas is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the institute is abolished and this chapter expires September 1, 2023 [~~2021~~].

SECTION 4.06. RAILROAD COMMISSION OF TEXAS. Sections 81.01001(a) and (a-1), Natural Resources Code, are amended to read as follows:

(a) The Railroad Commission of Texas is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished September 1, 2023 [~~2017~~].

(a-1) The review of the Railroad Commission of Texas by the Sunset Advisory Commission in preparation for the work of the 88th [~~85th~~] Legislature in Regular Session is not limited to the appropriateness of recommendations made by the Sunset Advisory Commission to the 83rd Legislature. In the Sunset Advisory Commission's report to the 88th [~~85th~~] Legislature, the Sunset Advisory Commission may include any recommendations it considers appropriate. The review must include an examination of alternative organizational structures for the Railroad Commission of Texas and alternative methods for performing the commission's responsibilities that would enable the efficient and effective accomplishment of the commission's functions. The examination must include an assessment of existing state agencies that would be able to perform the commission's functions. The review must also include an examination of methods to increase the public's role in decisions of the Railroad Commission of Texas that relate to the effect of the growth of resource extraction. The Sunset Advisory Commission may contract for assistance in performing the review, including assistance in evaluating, auditing, and forensic auditing, as the Sunset Advisory Commission determines necessary. This subsection expires September 1, 2023 [~~2017~~].

Explanation: This addition is necessary to limit the scope of the next sunset review of the Texas Department of Transportation, to subject the North Texas Tollway Authority to sunset review, and to change the sunset review date for various state agencies.

SR 1055 was read and was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3123 ADOPTED**

Senator Nelson called from the President's table the Conference Committee Report on **HB 3123**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2015.

On motion of Senator Nelson, the Conference Committee Report was adopted by the following vote: Yeas 28, Nays 3.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Garcia, Perry, Rodríguez.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 189 ADOPTED**

Senator V. Taylor called from the President's table the Conference Committee Report on **HB 189**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2015.

On motion of Senator V. Taylor, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1305 ADOPTED**

Senator L. Taylor called from the President's table the Conference Committee Report on **HB 1305**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2015.

On motion of Senator L. Taylor, the Conference Committee Report was adopted by the following vote: Yeas 29, Nays 2.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Hall, Nelson.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2633 ADOPTED**

Senator Perry called from the President's table the Conference Committee Report on **HB 2633**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2015.

On motion of Senator Perry, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 459 ADOPTED**

Senator Lucio called from the President's table the Conference Committee Report on **SB 459**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2015.

On motion of Senator Lucio, the Conference Committee Report was adopted by the following vote: Yeas 23, Nays 8.

Yeas: Bettencourt, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hinojosa, Huffman, Lucio, Menéndez, Nelson, Nichols, Rodríguez, Schwertner, Seliger, L. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Burton, Campbell, Hall, Huffines, Kolkhorst, Perry, V. Taylor.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2641 ADOPTED**

Senator Schwertner called from the President's table the Conference Committee Report on **HB 2641**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2015.

On motion of Senator Schwertner, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1750 ADOPTED**

Senator West called from the President's table the Conference Committee Report on **SB 1750**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2015.

On motion of Senator West, the Conference Committee Report was adopted by the following vote: Yeas 29, Nays 2.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Hall.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Saturday, May 30, 2015 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 118 Canales

In memory of former Hidalgo County Commissioner Oscar L. Garza Jr. of Edinburg.

HCR 132 Lucio III

Designating Brownsville as the official Bicycling Capital of the Rio Grande Valley for a 10-year period beginning in 2015.

HCR 135 Morrison

In memory of U.S. Army Specialist Kerry Danyluk.

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 189 (140 Yeas, 5 Nays, 2 Present, not voting)

HB 311 (131 Yeas, 11 Nays, 3 Present, not voting)

SB 55 (136 Yeas, 7 Nays, 2 Present, not voting)

SB 202 (146 Yeas, 0 Nays, 2 Present, not voting)

SB 207 (144 Yeas, 0 Nays, 2 Present, not voting)

SB 652 (145 Yeas, 0 Nays, 2 Present, not voting)

SB 866 (118 Yeas, 25 Nays, 2 Present, not voting)

SB 1367 (142 Yeas, 1 Nays, 3 Present, not voting)

SB 1750 (139 Yeas, 4 Nays, 2 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

CONFERENCE COMMITTEE ON HOUSE BILL 603
(Motion In Writing)

Senator Garcia called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 603** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **HB 603** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate: Senators Garcia, Chair; Huffman, Whitmire, Perry, and Creighton.

(Senator West in Chair)

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2398 ADOPTED

Senator Whitmire called from the President's table the Conference Committee Report on **HB 2398**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2015.

On motion of Senator Whitmire, the Conference Committee Report was adopted by the following vote: Yeas 27, Nays 4.

Yeas: Birdwell, Burton, Campbell, Ellis, Eltife, Estes, Fraser, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Creighton, L. Taylor, V. Taylor.

REMARKS ORDERED PRINTED

On motion of Senator V. Taylor and by unanimous consent, the remarks by Senators Whitmire and V. Taylor regarding **HB 2398** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator V. Taylor: Thank you, Mr. President. Dean, I know we had a lot of discussions about this. I hope this won't be long, I just, just want to ask two very basic legislative intent questions. You have said, as you've laid this bill out before this Legislature, that you do not think that children who are truant will need attorneys, either, as a rule of thumb, either in truancy court or in juvenile court, and I just want to make sure your, I just wanted to confirm for the record that your legislative intent—

Senator Whitmire: Yeah. We were speaking of the JP court. When they go to juvenile court, if they're held in contempt, they will have representation.

Senator V. Taylor: —okay, but your intent, as the author—

Senator Whitmire: My intent is, first of all, as you well know, the JPs can still do anything they're doing now except charge them with a crime. So, in the JP court they will not need an attorney because it's not a criminal matter. If they're held in contempt and it goes to juvenile court, they will be appointed an attorney at that stage—

Senator V. Taylor: —okay.

Senator Whitmire: —which I don't anticipate to be large numbers.

Senator V. Taylor: Alright, and that was my second question for legislative intent. Do you, as you've described this bill, you've expressed several times that you do not think that many children, few, with the exception rather than the rule that a child ends up in juvenile court. Is that your legislative intent, that few children end up in juvenile court? Most of this is handled by the school or in truancy court, and once in a while, a child will end up in juvenile court.

Senator Whitmire: It's designed to be handled by the school district. That's the reason we have such a broad base of support by school, JPs, and other stakeholders, the Public Policy Foundation. Hopefully, early intervention at the school will reduce the number of referrals to the JP court because there's going to be a concerted effort to

mentor, counsel the youth. But if they insist on not following the JP's instructions, they will be held in contempt and referred to the juvenile court. I can't give you, obviously, an exact number, but the stakeholders and the drafters of the legislation believe it'll be a small number, based on our empirical data that we've been using.

Senator V. Taylor: Alright. Thank you.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1915 ADOPTED

Senator Hinojosa called from the President's table the Conference Committee Report on **HB 1915**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2015.

On motion of Senator Hinojosa, the Conference Committee Report was adopted by the following vote: Yeas 26, Nays 5.

Yeas: Burton, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hall, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nichols, Perry, Rodríguez, Schwertner, Seliger, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Hancock, Nelson, L. Taylor.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2150 ADOPTED

Senator Whitmire called from the President's table the Conference Committee Report on **HB 2150**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2015.

On motion of Senator Whitmire, the Conference Committee Report was adopted by the following vote: Yeas 29, Nays 2.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, Uresti, West, Whitmire, Zaffirini.

Nays: V. Taylor, Watson.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 1071 ADOPTED

Senator Hinojosa called from the President's table the Conference Committee Report on **SB 1071**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2015.

On motion of Senator Hinojosa, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Burton.

SENATE RESOLUTION 1039

Senator Kolkhorst offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 84th Legislature, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill 483 (the establishment and administration of a state bullion depository; authorizing fees) to consider and take action on the following matters:

(1) Senate Rules 12.03(1) and (3) are suspended to permit the committee to add and amend text which is not in disagreement in proposed SECTION 1 of the bill, in added Section 2116.015(a)(1), Government Code, to read as follows:

(1) an individual or fiduciary, including an administrator, executor, custodian, guardian, or trustee;

Explanation: This change is necessary to ensure that an individual may use a depository account in the state bullion depository as an investment.

(2) Senate Rule 12.03(2) is suspended to permit the committee to omit text not in disagreement in proposed SECTION 1 of the bill, in added Section 2116.015, Government Code, by omitting proposed Subsection (b), which reads as follows:

(b) An investment by an insurance company in a depository account is eligible to be applied as a credit against taxes payable under Chapters 221 and 222, Insurance Code, in accordance with rules adopted by the comptroller after consultation with the commissioner of insurance.

Explanation: The omission is necessary to eliminate the implication that certain investments may be applied as tax credits.

SR 1039 was read and was adopted by the following vote: Yeas 31, Nays 0.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 483 ADOPTED

Senator Kolkhorst called from the President's table the Conference Committee Report on **HB 483**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2015.

On motion of Senator Kolkhorst, the Conference Committee Report was adopted by the following vote: Yeas 27, Nays 4.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Eltife, Estes, Fraser, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, West, Whitmire, Zaffirini.

Nays: Ellis, Garcia, Rodríguez, Watson.

SENATE RESOLUTION 1057

Senator Watson offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 84th Legislature, Regular Session, 2015, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on Senate Bill 1465 (creating limited purpose disaster declaration authority for the governor and a search and rescue task force in each disaster field response region) to consider and take action on the following matter:

Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter which is not included in either the house or senate version of the bill by adding the following new SECTION to the bill:

SECTION 2. Section 418.043, Government Code, is amended to read as follows:

Sec. 418.043. OTHER POWERS AND DUTIES. The division shall:

- (1) determine requirements of the state and its political subdivisions for food, clothing, and other necessities in event of a disaster;
- (2) procure and position supplies, medicines, materials, and equipment;
- (3) adopt standards and requirements for local and interjurisdictional emergency management plans;
- (4) periodically review local and interjurisdictional emergency management plans;
- (5) coordinate deployment of mobile support units;
- (6) establish and operate training programs and programs of public information or assist political subdivisions and emergency management agencies to establish and operate the programs;
- (7) make surveys of public and private industries, resources, and facilities in the state that are necessary to carry out the purposes of this chapter;
- (8) plan and make arrangements for the availability and use of any private facilities, services, and property and provide for payment for use under terms and conditions agreed on if the facilities are used and payment is necessary;
- (9) establish a register of persons with types of training and skills important in disaster mitigation, preparedness, response, and recovery;
- (10) establish a register of mobile and construction equipment and temporary housing available for use in a disaster;
- (11) assist political subdivisions in developing plans for the humane evacuation, transport, and temporary sheltering of service animals and household pets in a disaster;
- (12) prepare, for issuance by the governor, executive orders and regulations necessary or appropriate in coping with disasters;
- (13) cooperate with the federal government and any public or private agency or entity in achieving any purpose of this chapter and in implementing programs for disaster mitigation, preparation, response, and recovery;
- (14) develop a plan to raise public awareness and expand the capability of the information and referral network under Section 531.0312;
- (15) improve the integration of volunteer groups, including faith-based organizations, into emergency management plans;
- (16) cooperate with the Federal Emergency Management Agency to create uniform guidelines for acceptable home repairs following disasters and promote public awareness of the guidelines;
- (17) cooperate with state agencies to:
 - (A) encourage the public to participate in volunteer emergency response teams and organizations that respond to disasters; and
 - (B) provide information on those programs in state disaster preparedness and educational materials and on Internet websites;

(18) establish a liability awareness program for volunteers, including medical professionals;

(19) define "individuals with special needs" in the context of a disaster;

(20) establish and operate, subject to the availability of funds, a search and rescue task force in each field response region established by the division to assist in search, rescue, and recovery efforts before, during, and after a natural or man-made disaster; and

(21) [(20)] do other things necessary, incidental, or appropriate for the implementation of this chapter.

Explanation: This addition is necessary to authorize the Texas Division of Emergency Management to establish and operate a search and rescue task force.

SR 1057 was read and was adopted by the following vote: Yeas 31, Nays 0.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 1465 ADOPTED

Senator Watson called from the President's table the Conference Committee Report on **SB 1465**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2015.

On motion of Senator Watson, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

SENATE RESOLUTION 1059

Senator Seliger offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 84th Legislature, Regular Session, 2015, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on Senate Bill 1191 (the amount and allocation of the annual constitutional appropriation to certain agencies and institutions of higher education) to consider and take action on the following matters:

(1) Senate Rule 12.03(1) is suspended to permit the committee to amend text not in disagreement in SECTION 1 of the bill, in amended Section 62.021(a), Education Code, by striking "each state fiscal year beginning with" and substituting "~~each state fiscal year beginning with~~".

Explanation: This change is necessary to ensure that the allocations in amended Section 62.021(a), Education Code, apply only to the state fiscal year ending August 31, 2016.

(2) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in SECTION 1 of the bill, in amended Section 62.021, Education Code, to read as follows:

(a-2) Notwithstanding Subsections (a) and (a-1), if Section 62.024 is not amended by the 84th Legislature, Regular Session, 2015, to increase the amount of the appropriation made under Section 17(a), Article VII, Texas Constitution, Subsection (a) of this section applies in each state fiscal year beginning with the state fiscal year ending August 31, 2016, and Subsection (a-1) of this section has no effect.

Explanation: This addition is necessary to clarify that the allocations in added Section 62.021(a-1), Education Code, will take effect only if the 84th Legislature, Regular Session, 2015, amends Section 62.024, Education Code, to increase the amount of the appropriation made under Section 17(a), Article VII, Texas Constitution.

(3) Senate Rules 12.03(1) and (4) are suspended to permit the committee to change text not in disagreement and to add text on a matter not included in either the house or senate version of the bill in SECTION 2 of the bill, in amended Section 62.024, Education Code, to read as follows:

Sec. 62.024. AMOUNT OF ALLOCATION INCREASED. In accordance with Section 17(a), Article VII, Texas Constitution, for each state fiscal year beginning with the state fiscal year ending August 31, 2017 [~~2008~~], the amount of the annual constitutional appropriation under that subsection is increased to \$393.75 [~~\$262.5~~] million. Before the state fiscal year ending August 31, 2017, the amount of the annual constitutional appropriation under that subsection is \$262.5 million.

Explanation: This change is necessary to clarify the state fiscal year in which the increase to the amount of the appropriation made under Section 17(a), Article VII, Texas Constitution, will take effect.

(4) Senate Rule 12.03(1) is suspended to permit the committee to change text not in disagreement in SECTION 3 of the bill, in amended Section 62.027(c), Education Code, by striking "2016" and substituting "2017".

Explanation: This change is necessary to clarify the state fiscal year in which the increase to the amount of the appropriation made under Section 17(a), Article VII, Texas Constitution, will take effect.

(5) Senate Rules 12.03(1) and (4) are suspended to permit the committee to change text not in disagreement and to add text on a matter not included in either the house or senate version of the bill in SECTION 4 of the bill to read as follows:

SECTION 4. (a) The amounts allocated under Section 62.021(a), Education Code, as amended by this Act, apply to the state fiscal year beginning September 1, 2015.

(b) The amounts allocated under Section 62.021(a-1), Education Code, as added by this Act, apply to each state fiscal year beginning with the state fiscal year beginning September 1, 2016.

Explanation: This change is necessary to clarify the state fiscal year in which the increase to the amount of the appropriation made under Section 17(a), Article VII, Texas Constitution, will take effect.

SR 1059 was read and was adopted by the following vote: Yeas 31, Nays 0.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 1191 ADOPTED

Senator Seliger called from the President's table the Conference Committee Report on **SB 1191**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2015.

On motion of Senator Seliger, the Conference Committee Report was adopted by the following vote: Yeas 28, Nays 3.

Yeas: Bettencourt, Birdwell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Campbell, V. Taylor.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2019 ADOPTED

Senator Seliger called from the President's table the Conference Committee Report on **HB 2019**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2015.

On motion of Senator Seliger, the Conference Committee Report was adopted by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Burton, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hall, Hancock, Hinojosa, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Huffines, V. Taylor.

SENATE RESOLUTION 1050

Senator L. Taylor offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 84th Legislature, Regular Session, 2015, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on Senate Bill 866 (the regulation of amusement redemption machine game rooms in certain counties) to consider and take action on the following matter:

Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter which is not included in either the house or senate version of the bill by adding the following new SECTIONS to the bill:

SECTION 1. Section 234.131(2), Local Government Code, as added by Chapter 1284 (H.B. 2123), Acts of the 83rd Legislature, Regular Session, 2013, is amended to read as follows:

(2) "Game room" means a for-profit business located in a building or place that contains six or more:

(A) amusement redemption machines; or

(B) electronic, electromechanical, or mechanical contrivances that, for consideration, afford a player the opportunity to obtain a prize or thing of value, the award of which is determined solely or partially by chance, regardless of whether the contrivance is designed, made, or adopted solely for bona fide amusement purposes.

SECTION 3. Sections 234.136(a) and (b), Local Government Code, as added by Chapter 1284 (H.B. 2123), Acts of the 83rd Legislature, Regular Session, 2013, are amended to read as follows:

(a) A peace officer or county employee may inspect a business in the county to determine the number of amusement redemption machines or machines described by Section 234.131(2)(B) subject to regulation under this subchapter that are located on the premises of the business.

(b) A peace officer or county employee may inspect any business in which six or more amusement redemption machines or machines described by Section 234.131(2)(B) are located to determine whether the business is in compliance with this subchapter or regulations adopted under this subchapter.

Explanation: This addition is necessary to ensure that authorized counties can regulate game rooms that operate amusement machines for which prizes exceed the value otherwise allowed by law to promote the public health, safety, and welfare.

SR 1050 was read and was adopted by the following vote: Yeas 31, Nays 0.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 866 ADOPTED

Senator L. Taylor called from the President's table the Conference Committee Report on **SB 866**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2015.

On motion of Senator L. Taylor, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Nichols.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3535 ADOPTED

Senator Menéndez called from the President's table the Conference Committee Report on **HB 3535**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2015.

On motion of Senator Menéndez, the Conference Committee Report was adopted by the following vote: Yeas 22, Nays 9.

Yeas: Bettencourt, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hinojosa, Huffman, Lucio, Menéndez, Nelson, Nichols, Rodríguez, Schwertner, Seliger, L. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Burton, Campbell, Creighton, Hall, Huffines, Kolkhorst, Perry, V. Taylor.

BILLS AND RESOLUTIONS SIGNED

The Presiding Officer announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 27, SB 37, SB 57, SB 58, SB 59, SB 107, SB 147, SB 158, SB 168, SB 183, SB 189, SB 195, SB 200, SB 239, SB 267, SB 304, SB 382, SB 386, SB 394, SB 453, SB 530, SB 550, SB 610, SB 631, SB 638, SB 674, SB 735, SB 752, SB 760, SB 791, SB 806, SB 813, SB 818, SB 821, SB 830, SB 833, SB 873, SB 876, SB 900, SB 965, SB 996, SB 1001, SB 1002, SB 1060, SB 1132, SB 1162, SB 1168, SB 1171, SB 1174, SB 1189, SB 1196, SB 1227, SB 1228, SB 1237, SB 1259, SB 1304, SB 1305, SB 1307, SB 1313, SB 1315, SB 1362, SB 1385,

SB 1394, SB 1436, SB 1453, SB 1455, SB 1461, SB 1468, SB 1494, SB 1512, SB 1540, SB 1543, SB 1560, SB 1664, SB 1707, SB 1716, SB 1726, SB 1743, SB 1831, SB 1852, SB 1853, SB 1881, SB 1899, SB 1908, SB 1940, SB 1978, SB 1982, SB 2007, SB 2008, SB 2009, SB 2013, SB 2019, SB 2025, SB 2026, SB 2037, SB 2041, SB 2044, SB 2057, SB 2062, SB 2064, SB 2074, SB 2075.

HB 23, HB 177, HB 416, HB 554, HB 565, HB 621, HB 642, HB 679, HB 699, HB 866, HB 930, HB 939, HB 966, HB 1000, HB 1039, HB 1150, HB 1151, HB 1164, HB 1190, HB 1306, HB 1307, HB 1317, HB 1364, HB 1376, HB 1447, HB 1481, HB 1579, HB 1613, HB 1666, HB 1683, HB 1706, HB 1782, HB 1786, HB 1841, HB 1912, HB 1923, HB 1929, HB 1930, HB 2020, HB 2037, HB 2053, HB 2091, HB 2159, HB 2160, HB 2185, HB 2194, HB 2246, HB 2257, HB 2278, HB 2282, HB 2303, HB 2350, HB 2464, HB 2511, HB 2521, HB 2583, HB 2610, HB 2621, HB 2665, HB 2697, HB 2710, HB 2712, HB 2718, HB 2721, HB 2794, HB 2849, HB 2861, HB 2883, HB 2891, HB 2926, HB 3043, HB 3070, HB 3089, HB 3099, HB 3136, HB 3157, HB 3175, HB 3186, HB 3190, HB 3244, HB 3348, HB 3364, HB 3390, HB 3512, HB 3532, HB 3562, HB 3623, HB 3668, HB 3683, HB 3750, HB 3791, HB 3901, HB 3951, HB 3987, HB 4103, HB 4130, HB 4147, HB 4158, HB 4159, HB 4160, HB 4176, HB 4178, HB 4179, HB 4180, HB 4184, HB 4185, HB 4187, HB 4192, HB 4196, HB 4202, HB 4203, HB 4204, HB 4206, HB 4212, HCR 78, HCR 96, HCR 104, HCR 105, HCR 106, HCR 119, HCR 122.

HB 1 (Signed subject to Sec. 49-a, Art. III, Texas Constitution), **HB 2** (Signed subject to Sec. 49-a, Art. III, Texas Constitution), **HB 11, HB 48, HB 114, HB 263, HB 281, HB 324, HB 781, HB 870, HB 885, HB 1094, HB 1363, HB 1438, HB 1738, HB 1832, HB 1887, HB 1888, HB 1927, HB 2070, HB 2131, HB 2280, HB 2439, HB 2573, HB 2574, HB 2588, HB 2590, HB 2630, HB 2896, HB 2965, HB 3311, HB 3576, HB 3666, HB 3777, HB 3781, HB 4025, HB 4037, HCR 128, HCR 136, HCR 141.**

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1585 ADOPTED

Senator L. Taylor called from the President's table the Conference Committee Report on **HB 1585**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2015.

On motion of Senator L. Taylor, the Conference Committee Report was adopted by the following vote: Yeas 28, Nays 3.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Ellis, Eltife, Estes, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Fraser, Perry.

SENATE RESOLUTION 1056

Senator Menéndez offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 84th Legislature, Regular Session, 2015, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill 2968 (preservation of the Alamo complex and surrounding area and to the Alamo Preservation Advisory Board) to consider and take action on the following matter:

Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding, in proposed SECTION 2 of the bill, Section 31.455(b), Natural Resources Code, as follows:

(b) The advisory board is composed of:

(1) the commissioner or the commissioner's designee, who serves as the presiding officer of the advisory board;

(2) a designee appointed by the governor;

(3) a representative of the Alamo Endowment, appointed by the commissioner [the president general of the Daughters of the Republic of Texas];

(4) the director of the Alamo [current Alamo chairperson of the Daughters of the Republic of Texas];

(5) [the immediate past Alamo chairperson of the Daughters of the Republic of Texas];

[(6)] the Alamo curator;

(6) [(7)] one representative of the Texas Historical Commission;

(7) a designee appointed by the county judge of [(8) the president of the] Bexar County [Historical Commission]; [and]

(8) a designee appointed by the mayor [(9) one representative who serves as a member] of the City of San Antonio; [Office of Historic Preservation]

(9) a designee appointed by the commissioner representing the local travel and tourism industry and the businesses and landholders from the area immediately surrounding the Alamo complex;

(10) one member of the house of representatives appointed by the speaker of the house of representatives; and

(11) one senator appointed by the lieutenant governor.

Explanation: The change is necessary to alter the composition of the Alamo Preservation Advisory Board for the preservation of the Alamo complex.

SR 1056 was read and was adopted by the following vote: Yeas 31, Nays 0.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2968 ADOPTED

Senator Menéndez called from the President's table the Conference Committee Report on **HB 2968**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2015.

On motion of Senator Menéndez, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 743 ADOPTED

Senator Seliger called from the President's table the Conference Committee Report on **HB 743**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2015.

On motion of Senator Seliger, the Conference Committee Report was adopted by the following vote: Yeas 27, Nays 4.

Yeas: Birdwell, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hall, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Burton, Hancock, V. Taylor.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 523 ADOPTED

Senator Birdwell called from the President's table the Conference Committee Report on **SB 523**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2015.

On motion of Senator Birdwell, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

SENATE RESOLUTION 1045

Senator Hinojosa offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 84th Legislature, Regular Session, 2015, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill 2645 (the prosecution of certain offenses involving family violence and to the violation of certain court orders or conditions of bond in a family violence, sexual assault or abuse, or stalking case) to consider and take action on the following matter:

Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter which is not included in either the house or senate version of the bill by adding the following text to SECTION 1 of the bill, in added Article 38.371, Code of Criminal Procedure:

(c) This article does not permit the presentation of character evidence that would otherwise be inadmissible under the Texas Rules of Evidence or other applicable law.

Explanation: This addition is necessary to clarify that Article 38.371, Code of Criminal Procedure, does not permit the presentation of character evidence that is otherwise inadmissible under the Texas Rules of Evidence or other applicable law.

SR 1045 was read and was adopted by the following vote: Yeas 31, Nays 0.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2645 ADOPTED

Senator Hinojosa called from the President's table the Conference Committee Report on **HB 2645**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2015.

On motion of Senator Hinojosa, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

(Senator Eltife in Chair)

**SENATE RULE 7.25 SUSPENDED
(Limitation on Vote)**

Senator L. Taylor moved to suspend Senate Rule 7.25 as it relates to allowing consideration of **HB 2187**.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Bettencourt, Birdwell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Perry, Rodríguez, Schwertner, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Campbell, Hall, Nichols, Seliger.

**VOTES RECONSIDERED ON
HOUSE BILL 2187**

On motion of Senator L. Taylor and by unanimous consent, the vote by which **HB 2187** was finally passed was reconsidered:

HB 2187, Relating to the regulation of metal recycling entities; imposing an administrative penalty; amending provisions subject to a criminal penalty.

Question: Shall **HB 2187** be finally passed?

On motion of Senator L. Taylor and by unanimous consent, the vote by which the Three-day Rule was suspended for **HB 2187** was reconsidered.

Question: Shall the Three-day Rule be suspended for **HB 2187**?

On motion of Senator L. Taylor and by unanimous consent, the vote by which **HB 2187** was passed to third reading was reconsidered.

Question: Shall **HB 2187** be passed to third reading?

On motion of Senator L. Taylor and by unanimous consent, the vote by which Floor Amendment No. 1 was adopted was reconsidered.

Question: Shall Floor Amendment No. 1 to **HB 2187** be adopted?

Senator West withdrew Floor Amendment No. 1.

HB 2187 was again passed to third reading without objection.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2187 ON THIRD READING

Senator L. Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2187** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Bettencourt, Birdwell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Perry, Rodríguez, Schwertner, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Campbell, Hall, Nichols, Seliger.

The bill was again read third time and was again finally passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

SENATE CONCURRENT RESOLUTION 51

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, Senate Bill No. 1356 has been adopted by the senate and the house of representatives and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 84th Legislature of the State of Texas, That the enrolling clerk of the senate be instructed to correct Senate Bill No. 1356, as amended by house floor amendment no. 1 by Representative Darby, in SECTION 1 of the bill, in added Section 151.3335(a), Tax Code, by inserting "(2)" immediately before "WaterSense product".

HINOJOSA

SCR 51 was read.

On motion of Senator Hinojosa and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

HOUSE CONCURRENT RESOLUTION 139

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, House Bill No. 30 has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 84th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to correct the enrolled version of House Bill No. 30 by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. To the extent of any conflict, this Act prevails over another Act of the 84th Legislature, Regular Session, 2015, affecting Section 16.060, Water Code.

PERRY

HCR 139 was read.

On motion of Senator Perry and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

HOUSE CONCURRENT RESOLUTION 134

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, House Bill No. 3078 has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 84th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to correct House Bill No. 3078, in SECTION 1 of the bill, in added Section 61.0261(d), Education Code, by striking "2015" and substituting "2016".

SELIGER

HCR 134 was read.

On motion of Senator Seliger and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

HOUSE CONCURRENT RESOLUTION 142

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, The House of Representatives of the State of Texas has returned House Bill No. 1926 with senate amendments to the Senate of the State of Texas; and

WHEREAS, Further consideration of the bill by the house is necessary; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, with the senate concurring, hereby respectfully request that the Secretary of the Senate be authorized to return House Bill No. 1926 to the house for further consideration.

FRASER

HCR 142 was read.

On motion of Senator Fraser and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

(President in Chair)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Saturday, May 30, 2015 - 2

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 144

Anderson, Rodney

Instructing the enrolling clerk of the House to make corrections in H.B. No. 2404.

SCR 49

Taylor, Van

Sponsor: Laubenberg

Congratulating G. M. Cox on the occasion of his retirement.

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 1690 (96 Yeas, 51 Nays, 1 Present, not voting)

HB 2398 (118 Yeas, 27 Nays, 2 Present, not voting)

SB 459 (95 Yeas, 48 Nays, 2 Present, not voting)

SJR 5 (142 Yeas, 1 Nays, 1 Present, not voting)

THE HOUSE HAS DISCHARGED ITS CONFEREES AND CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 786 (143 Yeas, 0 Nays, 2 Present, not voting)

HB 2206 (144 Yeas, 0 Nays, 2 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3405 ADOPTED**

Senator Campbell called from the President's table the Conference Committee Report on **HB 3405**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2015.

On motion of Senator Campbell, the Conference Committee Report was adopted by the following vote: Yeas 27, Nays 4.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Ellis, Eltife, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Estes, Fraser, V. Taylor.

**SENATE RULE 12.09(a) SUSPENDED
(Printing and Notice of Conference Committee Reports)**

Senator L. Taylor moved to suspend Senate Rule 12.09(a) as it relates to the Conference Committee Report on **HB 2804**.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: West.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2804 ADOPTED**

Senator L. Taylor called from the President's table the Conference Committee Report on **HB 2804**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2015.

On motion of Senator L. Taylor, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: West.

**CONFERENCE COMMITTEE ON
SENATE BILL 1735 DISCHARGED**

On motion of Senator Birdwell and by unanimous consent, the Senate conferees on **SB 1735** were discharged.

REMARKS ORDERED PRINTED

On motion of Senator Campbell and by unanimous consent, all remarks regarding **SB 1735** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Birdwell: First and foremost, Members, I want to thank you for your hard work and dedication in working on the Hazlewood program. I also want to thank my colleague and House counterpart on this legislation, Representative John Zerwas. His courtesy and coordination on this legislation has been greatly appreciated. Furthermore, I want to note the courage he displayed by taking on this difficult issue, particularly as a non-veteran. Indeed, the effort to save the program for the men and women who've earned it was met with nothing less than accusations that decorum begs me not to repeat. Members, the Hazlewood Act is a laudable, appropriate program that I intend to fight for as long as the citizens of Senate District 22 choose to keep me in their chair. It is one of a number of reasons for which the State of Texas has earned its reputation as the most generous and friendly state for our honored veterans to call home, and I do not want this program to disappear. Unfortunately, the program is growing at an unsustainable rate, whether the Members of this Legislature accept it or reject it, the numbers are there. With the exponential cost increase of 584 percent in just five years, we are failing our veterans if we do not modify this program and, specifically, the legacy portion of the program, in the very near future. This is without even referencing the state's pending court case, which I believe to be one associated with judicial activism. But regardless of that, the loss of that court case at the district level and is now as it's working way through the appellate level, would make available should we lose it, the State of Texas lose it, make full Hazlewood benefits available to any veteran regardless of their origination of residency or longevity of Texas residency, regardless of either of those statuses. Members, it is my deep and sincere fear that because of our collective legislative inability to make these necessary reforms this session, we are kicking the can down the road in a manner such that will place an even more difficult decision before us in 2017. And if the program continues to grow at this pace, I believe it will not just possibly, but probably end the legacy and end the entire Hazlewood program and abolish it altogether as we know it. If that happens, Members, we will look back knowing that we had this last opportunity to take a difficult vote, save this program, and it will, in fact, have been a sad day for the State of Texas. As a soldier and as a representative of the people, I felt it was my duty to take the necessary steps to honor those who have earned this benefit and save this program for the long haul, and an overwhelming majority of you agreed with me and took that very difficult vote. It is my hope that I will be proven wrong and that we are not being tragically shortsighted by ignoring the simple facts that foretell the long term unsustainability of this program.

Senator Eltife: Senator Birdwell, do we know what the cost to this program is going forward if we do nothing?

Senator Birdwell: Those costs are unknown but expected to dramatically rise. The House version and the Senate version were dramatically different, and we reached an impasse where the only thing that the House passed that, and I do not want this to be a Senate-House battle, but what the House passed was the definition of residency of eight years, which we had included. But that was what they passed to preempt the court decision. But without the other reforms to the legacy program to simply concur with their eight-year residency, which is what we had, would be to immediately raise and expand the number of veterans right now in the State of Texas who do not qualify for Hazlewood. If they were here for eight years, you would immediately increase the pool of people that could make the demand of Hazlewood whether it was the veteran themselves or their children with no time limit, whether on the length of the benefit expiration, because there's none, or the number of years served. That would immediately preempt the court case, but without the other constraints and other, shall we say, guardrails to keep this program sustainable. To concur with that House amendment would be to immediately make the program even more expansive than it already is in its current circumstances that are financially unsustainable. The other reason that that eight years could not be accepted is, if we did that, and then go win the court case, how do you retract from a major expansion of the number of veterans that will qualify if we do set the eight years without the other? I cannot give you a definitive number of, here's the cost. What I can tell you is, it is better to take, given what I've laid out to you, it is better to take no action than it is to concur with the House's eight years without the other guardrails that we placed in there and then hope that our Attorney General can buy us time so that we can come back in next legislative session and fix it. Although, those fixes, I think, will be tougher, because I don't think we'll be able to have the grandfathering period length that we had this year.

Senator Eltife: But, Senator, the key is, if we do nothing, this program is not sustainable.

Senator Birdwell: Absolutely.

Senator Eltife: If we do nothing, the program is not sustainable, and all the veterans will lose if we do nothing.

Senator Birdwell: That's correct. In not being able to come to a reform of this program, we are not just simply talking about the survival of legacy or the reform of legacy or even losing legacy, we're talking about the loss of the entire Hazlewood program.

Senator Eltife: Exactly. I want to thank you for your work on this. It was admirable. It takes political courage sometimes to do the right thing, and that's what you did for the Texas Senate, and I want to thank you for your work on this because this program will not be sustainable if we don't make corrections to the program. So, I was proud of what you did and proud to support you. Thank you, Senator Birdwell.

Senator Whitmire: I would not begin to challenge a thing that my good friend Senator Eltife said, but he's right on target. Your leadership, you were the right person at the right time to make this happen, and I stood up to thank you and the Members for not allowing this to become partisan, because it could've easily have been, because of the misrepresentation of what this bill will accomplish. We had no choice if we were going to do the right thing. You were the right man at the right time, right person at the right time. And I thank you and I really applaud the fact that maybe a few weeks ago someone thought about making this partisan, and none of us allowed it to go that way because you have bipartisan support. And I thank you, Mr. President, for your leadership in this body. This is why we come to Austin to work and solve problems, and this is a huge one.

Senator Birdwell: Thank you, Dean, thank you for your kindness and thank you for your leadership on this issue. Thank you, Dean.

Senator Bettencourt: Senator Birdwell, I just want to say that you accepted this mission just like you accepted the mission on 9-11, which would've knocked everybody in the room over, and they couldn't have had three dozen operations and several years later been a Senator on this floor. That's the gravity of the mission that you undertook on Hazlewood, and I'm proud to have been your first joint author on this, because mathematically, this program is unsustainable. It is currently costing the state, or actually it's costing other tuition payment people, right, people that are paying tuition in lieu of these payments at different schools, \$208 million. By 2019, this program will cost \$379 million, that's an increase of 82 percent in four years. There is no mathematical curve I know that tells me that an 82 percent growth rate, from \$208 million to \$379 million is possibly sustainable by the State of Texas, and you're absolutely correct that we will have to address this program again because we commend your service and every veteran's service, but we are growing a program at 82 percent, that's hundreds of millions of dollars. This program has to be modified or you have already predicted, it will end badly. And with that, I want to commend your service on 9-11 to this country and your service to the State of Texas in 2015.

Senator Birdwell: Thank you, Senator Bettencourt. Thank you very much. Thank you for your leadership and your support, Sir.

Senator Menéndez: Thank you, Mr. President. Thank you, Senator Birdwell. Senator Birdwell, I was thinking about this and I had watched the House debate as well, and I think that the concerns are valid as far as the sustainability, but I also think that we have to take the time and, obviously, I wouldn't presume to begin to request, but I guess suggest, and I'm assuming you probably already started with your Chair and Senator Campbell in thinking about interim study and seeing what we could do in working with the LBB to track the changes. One of the concerns, I wanted to thank you that you included the National Guard. You did some things that were positive in your bill, not all of the reforms I was in agreement, as you know, but I thought, and I'm disappointed that we couldn't come to an agreement with the House. I think the residency requirement is a no-brainer, and I'm hopeful that we're able to win that case, but I look forward to working with you moving forward. As you know, you and I have had conversations that my home county and where my district is has, probably, per capita, the highest number of veterans, and so this program is critically important.

I know it is to the whole state, but in Bexar County, which we like to call ourselves Military City, USA, it is critically important for us to maintain the viability of both the veterans program, but also to some extent we have to see what we can do to help, not just completely shut off the legacy. And you had addressed that issue. You had already created some of those, if you will, the putting off the inclusion or the beginning of that, and I thought we were close. And it's disappointing that we weren't able to get something done, but I hope and I know that with your work and the work of this body that over the interim that we won't lose time, but we can take advantage of the time that we're given to work with the House and the House Members to make sure that the viability is there. And it's my hope your chairing the Subcommittee on the Border and Border Security, and once you move forward and I know that the House had an issue, tremendous issue with the investment that was made there. Hopefully with the surge of investment that you're making, that we'll get to the point where we can maybe transfer some of that investment into some program like Hazlewood and legacy and we can continue its viability. I'm concerned, I don't want to feel like we're sounding an alarm bell, because I know that there is the brain power in this room to create a solution to this problem, and we won't lose the program. And I know that with you leading us, in your heart for veterans and for their families, we will find that solution.

Senator Huffman: Senator Birdwell, your first session you sat here next to me, and I consider you my little brother, and I'm your big sis, and that's how we talk to each other. And I don't think I've ever been prouder of you than I am at this moment. You have been a great leader on this issue, as Senator Eltife said, took great political courage for you to take these steps because you had the interest of both the veterans and the state, of interest, and your constituents at heart. Though it didn't work out this time, I think that all the public and all of us should be so proud of you in how you have stood for us and for the Senate, for the veterans and for this state to do what was right. And I know it'll work out some day, and thank you for your courage and your work.

Senator Campbell: Thank you, Mr. President. I rise, too, to support and commend Senator Birdwell. You know, the Hazlewood program, as we all know, is important enough to look at a way to sustain the program. You took the tip of the spear to the chest for this. As the Chair of VAMI, which I am honored to be, I do want to thank you for the long hours that you put in to save Hazlewood for our veterans. And I support you, and I believe that the body will help continue to find a way to support our veterans with Hazlewood. But I agree, if we don't come up with something, it's not sustainable. But thank you very much, Sir.

Senator Rodríguez: Senator Birdwell, you know I concur in the comments that have been made about your tremendous work on this issue and being the point, language that you'll understand, being the point man on it that nobody else would touch. By the way, I learned about the point man from Senator Hinojosa when he was in the Marines up in Vietnam. I did tell you way back when you first had your committee hearing, that I thought you had taken on a very courageous stance and that no question, we needed to do something about the Hazlewood program, having heard from the various university presidents last session about how much it was costing

them and how much it was potentially costing the other students, the non-veteran family member students, in terms of tuition and so forth. And you know that I voted against this measure, in large part because I think the debate has been focused just on this, as Senator Eltife said, this program is unsustainable if it keeps at its current rate of increasing cost. And so, we've been looking at how we can modify it in order to have less coverage, eligibility, I guess, is the word for the children of the veterans, the legacy beneficiaries as we call them, rather than looking at the Legislature or the state investing more money in the program in order to cover the increasing costs. I mean, it's just a different way of looking at it, and maybe I look at it that way because I come from a military town with Fort Bliss and a lot of veterans there. And as I said during the debate then, you may recall, for a lot of these veterans and their children, this is the only way that they're going to be able to access higher education and they're the very people that we all, you know, salute here on a regular basis about the sacrifices that they've made, and they are deserving of this kind of recognition. So, I want to just say, Members, I heard Senator Bettencourt say, well, this program is costing us a little over \$200 million and it's going up, projected to \$379 million, and while that sounds like a lot, I can't help but, of course, think about the 800 million for border security where we've gone from 200 million to 400-some million and now to 800 million, and yet we don't blink an eye on that. Here we're talking about education and the importance of education and having an educated workforce. The Governor has made higher education one of his priorities and rightfully so, I fully support it. So, I guess what I'm saying is, maybe as we go down the road and look at how do we save this program, how do we make it sustainable, maybe we ought to look into the side of how much money we have available and whether or not we ought to give higher priority to this and invest more money in it. I mean, I agree with Senator Eltife. It's not sustainable if we continue it at the same levels, but as he eloquently said the other day, we have plenty of money, and all I'm suggesting is that as we look at this program and this issue down the line, very challenging, that we also consider, Members, maybe consider getting more investment, more funding into the program in order to address the rising cost rather than reducing the eligibility of the family members that would be eligible under the program. Just a thought. And I again, I want to conclude by commending you, and I just told you just this very morning that this man is the epitome of the officer and a gentleman that we always hear mentioned in the military, and I told him this morning, that's what he is. So, I appreciate all the work you did in this, and you fell short not because of your efforts but because of other complex considerations, and I hope that as we look at it down the line, we look at some of these other areas of investment. So, thank you for your work. Thank you, Mr. President.

Senator Uresti: I know Senator Huffman looks at you as her little brother, but because you're much older than I, I look at you as my big brother.

Senator Birdwell: That's appropriate for every Marine, yes, Sir.

Senator Uresti: You know, my comrade in arms, as an Army guy and as a Marine, we kid each other and we joke around a lot about that and we like to tease each other, but you know I stand this afternoon in all seriousness to commend you for your hard work on this issue. And I know you've had a lot of challenges in your life, and this is

probably one. I know it's been a very difficult one for you because it deals with our military men and women and their families. And so, I commend you for your political courage in that regard. When you were working on this bill, we worked together, and I offered some recommendations, and I think you actually did take one amendment, and I couldn't quite get there to vote yes on the bill because I felt that we were doing too much, too quickly. Not that I don't agree with you and the rest of this Chamber that we have to fix this problem, I agree wholeheartedly with you on that issue. But again, I just felt it was too much, too quickly, and that's why I couldn't quite get there. And I hope that during the interim, and I'm sure the Lieutenant Governor will make this a charge for this body to look at, and I hope that I can work with you and the other Members to find a solution because I think we can. I certainly believe and I had hoped that we would be able to at least agree on the residency issue, to stop the bleeding, so to speak, and I think that would've gone a long way in helping us to get where we need to be. I know there are other issues as well that, again, perhaps during the interim we can work on and try to find a balance between taking care of our veterans and meeting that promise that we made to them and their families, but at the same time, balancing that against the cost to the State of Texas. So again, I just wanted to stand and thank you for your hard work and your courage in being open-minded and reasonable, and thank you again for your service, even though you're an Army guy. Thank you, Senator Birdwell.

Senator Hinojosa: Senator Birdwell, you were the point man, guess you all know what that means in combat, on this issue. It's a very challenging issue, very sensitive issue because it deals with our veterans, those who have risked their lives. Many pay the ultimate price to defend our country and our way of life and our liberty, but this is not the type of problem that we can solve by just throwing more money at it. It's a complicated issue, and as you well know, the Hazlewood grants and scholarships provide much, much better benefits than the GI Bill. At the same time, here in Texas, we don't print money. We're a pay-as-you-go state, so we're having all these veterans from other states move to Texas to receive the benefits that the federal government ought to be providing because they can print money. We can't. And I know you took a lot of criticism, most of it unfair to you because we did try to come up with a program and a law that would really focus on our Texas veterans, focus on their immediate families, but not put any, or place any parameters on it that we could not control, not only the cost but we couldn't even control who would qualify. And for me, it's important to, for you and people to understand that you were trying to do your best to come up and provide a program that would take care of our veterans. It would not neglect our veterans. It would also take care of children, but at the same time, we could not issue a blank check for anybody from every part of this country who want to come here and take care, or at least, advantage of our very generous programs of taking care of Texas veterans. Thank you so much for the work you've done. Semper fi.

Senator V. Taylor: Members, I, over the last couple of weeks, have spoken to every single one of my constituents who's called me about this bill, and those conversations always began with an angry voice, somebody saying I'm unhappy you're taking this away, it's wrong. And as I walked them through the problem and explained the situation, they came to understand, and then I told them what Senator Birdwell had

offered as a solution for Texas, and they came to appreciate what he has done. And every single individual who I've spoken to about this issue appreciates what Senator Birdwell has offered for us. We have offered a real solution for a very real problem. And let me say, it really warms my heart to hear so many Senators stand up and say that they know, wherever they were on this bill, that there is a problem and that is the beginning of finding a solution, and I'm really proud of the solution that we found. It's not over yet, but I stand with you. Semper fi.

Senator Lucio: Chairman Birdwell, I, too, join my colleagues, your colleagues, in publicly commending you for your hard work, your dedication, perseverance, and like Senator Huffman said, you know it takes real courage to do the right thing at the right time. I know that this bill, obviously, brought up many concerns. Many of us represent districts that are highly populated with veterans. I know I do in the Rio Grande Valley, a tremendous amount. And I also am very proud that I have a Naval station in Kingsville, trains pilots that have been in combat in recent wars, especially. But sometimes important issues such as this one takes a session or two or even three. Let's hope that during the interim we can come together and continue to discuss and study this issue and come back with a solution that all of us on this floor can support you 100 percent. I certainly stand ready to roll my sleeves up along with others who have already expressed how they feel here today and do everything we can to ensure that the men and women in uniform that we proudly call veterans will have our total support when it comes to their education and the issues that are going to impact them, hopefully, in a very positive way in the future. So, thank you very much once again, Chairman Birdwell. It's an honor to serve with you.

Senator Hall: Senator Birdwell, I just, you've heard from Marines, and I wanted to make sure you heard from the Air Force branch of the Senate that I'm very proud to have stood with you from the very beginning on this in recognizing that in serving our veterans we have to recognize the limitations on some things. And in others, we've stood together to advance and expand and provide more benefits Marines, for veterans on a number of other bills. And I really commend you for the way you have stood your ground and the way you carefully looked at all the parameters and came up with a solution that was an equitable solution. I guess it's just unfortunate that maybe there's just too many things that were just not accurate about what was happening. And I, too, like Senator Taylor, talk with constituents on this bill, like with others, who had misinformation, and when they understood what was really involved, what all the parameters were and what the outcome, they changed their minds completely. And unfortunately, we can't talk to everybody individually, or there's just not enough time, but I do recognize that we have this situation that needs to be fixed. And I want to continue working with you and, hopefully, in the next session that we can come up with a solution that will be recognized, and I continue to thank you for your work on this.

Senator Nelson: Chairman Birdwell, we've had many private conversations about this issue, and I wasn't going to add to the comments that have already been made, but I did feel as Finance Chairman, first of all, Senator Bettencourt gave us the numbers, we know, and I said this, I guess months ago now, when this first came about, this program is not sustainable as it is. And I want to thank you publicly for your courage.

You are such a patriot, and I have heard some question your patriotism, and we, as a Senate, are here to stand by you and thank you for what you have attempted to solve for the veterans in this state. So, I want to add my gratitude, to add my commitment to help you work toward a solution to this problem that's not going to go away and thank you for what you've done.

President: Senator Birdwell, if I could take a rare moment. I don't speak often from here. You've heard your Members, regardless of their view on the bill, stand with you and your courage. And I've always been offended when soldiers like Senator Hinojosa and others came back from Vietnam, that the people who said offensive things to our soldiers because of the politics of the war. The soldiers should've never been criticized. They were doing their duty. People may not agree with you on the politics of this, some of the public, but I'm offended of the comments that have been made toward you. You're doing your duty now for the State of Texas as a Senator, as you did as a Lieutenant Colonel in the United States Army, and I know you were strong after the attack on 9-11 and your injuries, and I know you will be strong and survive this as well. And all of us, the public needs to understand this, all of us stand with you in your courage to do what you thought was best regardless of their view on the politics, and you should be commended for that. The Senate tried to lead on this, we did lead on this, and you were the point man. Thank you, Senator.

Senator Birdwell: Thank you, Mr. President. May I close with two thoughts? First would be the gratitude that those that spoke and those that did not on my performance of duty, it is greatly appreciated. In 53 years of life, I still don't know how to take a compliment. It's just, so my heart is very touched at what you have said. I do want to make sure, second point is one thing is clear that when we talk about getting this right or coming back next time, the clock that is ticking is not one of which we have mastery. We have the opportunity to fix this only if we do not get a final adjudication in the federal courts. If federal courts give us a final adjudication before the next legislative session, our options for correction in 2017 are highly, highly limited. If the federal courts do not give us a final adjudication, and we come back next session, there is still time, but in many respects, I believe, what I recommended will not be enough if this program continues for another two years. The correction will have to be tougher than what I recommended this session. I don't want any of the Members to walk out of here with any thought that time buys us anything. We do not have mastery of our time here, the federal courts have that mastery. Thus in us leading this legislative session, the battle now goes to our Attorney General, and with that, Mr. President, thank you for your kindness and your sentiments, I move adoption.

SENATE RULE 12.09(a) SUSPENDED
(Printing and Notice of Conference Committee Reports)

Senator Birdwell moved to suspend Senate Rule 12.09(a) as it relates to the Conference Committee Report on **SB 11**.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Eltife, Estes, Fraser, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor.

Nays: Ellis, Garcia, Lucio, Menéndez, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

SENATE RESOLUTION 1060

Senator Birdwell offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 84th Legislature, Regular Session, 2015, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on Senate Bill 11 (the carrying of handguns on the campuses of and certain other locations associated with institutions of higher education; providing a criminal penalty) to consider and take action on the following matters:

(1) Senate Rule 12.03(2) is suspended to permit the committee to omit text not in disagreement in SECTION 1 of the bill, by omitting added Sections 411.2031(f) and (g), Government Code. The omitted text prohibits carrying a concealed handgun on the premises of a hospital maintained or operated by an institution of higher education or private or independent institution of higher education or the premises of certain schools located on the campus of such an institution, if certain signs are posted.

Explanation: The omission of the text is necessary to remove a requirement that certain signs be posted to prohibit the carrying of concealed handguns on the premises of a hospital maintained or operated by an institution of higher education or private or independent institution of higher education or the premises of certain schools located on the campus of such an institution.

(2) Senate Rule 12.03(2) is suspended to permit the committee to omit text not in disagreement in SECTION 3 of the bill, in amended Section 46.03, Penal Code, by omitting added Subsections (j) and (k). The omitted text prohibits carrying a concealed handgun on the premises of a hospital maintained or operated by an institution of higher education or private or independent institution of higher education or the premises of certain schools located on the campus of such an institution, if certain signs are posted.

Explanation: The omission of the text is necessary to remove a requirement that certain signs be posted to prohibit the carrying of concealed handguns on the premises of a hospital maintained or operated by an institution of higher education or private or independent institution of higher education or the premises of certain schools located on the campus of such an institution.

SR 1060 was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of the resolution.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 11 ADOPTED

Senator Birdwell called from the President's table the Conference Committee Report on **SB 11**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2015.

On motion of Senator Birdwell, the Conference Committee Report was adopted by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Eltife, Estes, Fraser, Hall, Hancock, Huffines, Huffman, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor.

Nays: Ellis, Garcia, Hinojosa, Lucio, Menéndez, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

REMARKS ORDERED PRINTED

On motion of Senator V. Taylor and by unanimous consent, the remarks by Senators Birdwell and V. Taylor regarding **SB 11** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator V. Taylor: Thank you. One of the interesting things that the House did is by giving the universities some discretion over where they could ban the carry of concealed handguns. And so, I wanted to just establish some legislative intent, so I want to ask you some questions, look forward to your answers. So, you allow each university to set up their own rules for prohibiting concealed carry, but you also make the point to say that they cannot, quote-unquote, generally prohibit carry on campus. Can you just sort of walk me through that?

Senator Birdwell: Sure, absolutely. Let me give you a great example based, like the amendment that your counterpart, Senator Taylor from Galveston, made in our original debate in March. Our language here was crafted very narrowly to specifically address the needs of unique university settings. And a unique university setting is specific to the physical plant that that university has, not treating higher education as an encompassing unique physical setting. Great example would be that National Biocontainment Lab at UTMB in Galveston that Senator Taylor has in his district. This is one of only two such facilities in the nation, and it houses a variety of biohazards like Ebola, H1N1, West Nile, Anthrax, and other things for research. I understand the need for his university to set a specific prohibition on concealed carry in this location. And one of our North Texas universities conducts medical treatment on TDCJ inmates on campus, this creating the desire to prohibit a concealed carry in the specific portion of that medical facility where the inmates are treated. So, those are the types of things that we're looking to allow that discretion of the local leadership of those universities for very, very specific functions, not, bad example of what we would not find acceptable is, there's a first aid station on the first floor of a 50-floor building, therefore the whole building is a medical facility, and we eradicate the whole building from CHL holders. That is not the kind of discretion we're looking for. We're looking for very specific discretion on very unique physical plant items within those universities' campuses.

Senator V. Taylor: So, for instance, if the university said we are not going to have CHLs in any dormitory because students live there and we're concerned about that, that's not okay.

Senator Birdwell: That would not be okay. We give the universities the ability to determine weapon storage policies in dormitories. But to specifically preclude them, no, unless there's something very unique to that dormitory like a biocontainment lab within the dormitory. But that way when mom and dad might come to son or daughter's dormitory room, we're not telling mom and dad, you know, leave your

CHL, you know, leave weapon away, but the universities have the discretion to set storage policies in places where we would expect the weapon would not be on the person of the individual.

Senator V. Taylor: And so, another example would be, we're going to ban it for any common room where there's a television because people get excited when they watch sports. We're concerned about that, we're going to ban, you know, for every common room on campus where there's a television, no CHLs there. So, that would not be okay.

Senator Birdwell: That would not be okay.

Senator V. Taylor: Alright. And then, these institutions are public property, and why are we allowing unselected, unelected university leaders to set the regulations for concealed handgun license holders on state-owned property?

Senator Birdwell: Well, again, our general principle is public property, as public officials dealing with policy on public property, the state Legislature should not be precluding a constitutional right on public property. We do make exceptions. We don't take weapons into the county jail that are owned by the county. There's places that we don't take weapons, TDCJ prison facilities, there are those types of things that we provide for those exemptions. My desire here is I believe we have struck the balance between protecting the right of individual citizens to keep and bear arms on public property but allowing the discretion of those presidents approved by the board of regents, and they can change it if they wish, who are accountable to us through the appointments process, and we've had many of those discussions in Nominations—

Senator V. Taylor: Yes, we have.

Senator Birdwell: —this go around.

Senator V. Taylor: Yes, we have.

Senator Birdwell: Have we not, Mr. Vice-chairman? But that way we provide a means to allow that discretion without having that discretion abused or giving them complete authority to say this may be public property but we vacate your constitutional right to keep and bear arms with our administrative decision. This bill strikes that balance to the favor of the CHL holder on the bulk of college campuses, recognizing that there are some places that we may wish to restrict that because of the unique physical plant that's located on that, physical structure, that's located on that campus.

Senator V. Taylor: So, it sounds to me like you're giving authority to the universities. So, if they wanted to build that next biocontainment facility, that next medical research facility—

Senator Birdwell: Right.

Senator V. Taylor: —that next laboratory, they don't have to come back to the Legislature and get permission to have a little box drawn around it, say this is not where CHLs go.

Senator Birdwell: Part of your answer, or part of the answer is yes, part of the answer is no. We require the universities and the community colleges to come back to the Legislature and report on September 1 of every even-numbered year, beginning in 2016, as to what they want to preclude CHL holders from on their property and why. The reason we do it every two years is to allow for changes in facilities, those that may have been destroyed, those that may have been built or repurposed for some reason, but it requires that accountability in that reporting process. But the other stroke of that answer or the other side of that answer is yes because circumstances will change for many years after the passage of this bill. It allows for the changes of those presidents to be able to update, whether it's to add or delete property from the plans every two years, as they can update them and modify them to meet the current operational situation.

Senator V. Taylor: Senator Birdwell, I think you very eloquently stated your legislative intent.

SENATE CONCURRENT RESOLUTION 50

The President laid before the Senate the following resolution:

WHEREAS, Senate Bill No. 968 has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical and typographical errors that should be corrected; now, therefore, be it

RESOLVED by the 84th Legislature of the State of Texas, That the enrolling clerk of the senate be instructed to make the following correction:

(1) In Section 1 of the bill, in added Section 28.002(w), Education Code (house committee report, page 1, line 13), strike "shall" and substitute "may".

WEST

SCR 50 was read.

On motion of Senator West and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2968

Senator Menéndez submitted the following Conference Committee Report:

Austin, Texas
May 29, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 2968** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

MENÉNDEZ
URESTI
ESTES
CAMPBELL
CREIGHTON
On the part of the Senate

GUILLEN
BERNAL
HARLESS
LARSON
MARTINEZ FISCHER
On the part of the House

The Conference Committee Report on **HB 2968** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2205

Senator Seliger submitted the following Conference Committee Report:

Austin, Texas
May 29, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 2205** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

SELIGER
BETTENCOURT
ELTIFE
L. TAYLOR

CROWNOVER
AYCOCK
HUBERTY
VANDEAVER
GALINDO

On the part of the Senate

On the part of the House

The Conference Committee Report on **HB 2205** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 1630

Senator Whitmire submitted the following Conference Committee Report:

Austin, Texas
May 29, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1630** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

WHITMIRE
ELTIFE
NELSON
HUFFMAN
HINOJOSA

On the part of the Senate

S. TURNER
BURKETT
PHILLIPS

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the commitment of juveniles in post-adjudication secure correctional facilities operated by the Texas Juvenile Justice Department and by local probation departments.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 54.04(d), Family Code, is amended to read as follows:

(d) If the court or jury makes the finding specified in Subsection (c) allowing the court to make a disposition in the case:

(1) the court or jury may, in addition to any order required or authorized under Section 54.041 or 54.042, place the child on probation on such reasonable and lawful terms as the court may determine:

(A) in the child's own home or in the custody of a relative or other fit person; or

(B) subject to the finding under Subsection (c) on the placement of the child outside the child's home, in:

(i) a suitable foster home;

(ii) a suitable public or private residential treatment facility licensed by a state governmental entity or exempted from licensure by state law, except a facility operated by the Texas Juvenile Justice Department; or

(iii) a suitable public or private post-adjudication secure correctional facility that meets the requirements of Section 51.125, except a facility operated by the Texas Juvenile Justice Department;

(2) if the court or jury found at the conclusion of the adjudication hearing that the child engaged in delinquent conduct that violates a penal law of this state or the United States of the grade of felony, the court or jury made a special commitment finding under Section 54.04013, and [if] the petition was not approved by the grand jury under Section 53.045, the court may commit the child to the Texas Juvenile Justice Department under Section 54.04013, or a post-adjudication secure correctional facility under Section 54.04011(c)(1), as applicable, without a determinate sentence;

(3) if the court or jury found at the conclusion of the adjudication hearing that the child engaged in delinquent conduct that included a violation of a penal law listed in Section 53.045(a) and if the petition was approved by the grand jury under Section 53.045, the court or jury may sentence the child to commitment in the Texas Juvenile Justice Department or a post-adjudication secure correctional facility under Section 54.04011(c)(2) with a possible transfer to the Texas Department of Criminal Justice for a term of:

(A) not more than 40 years if the conduct constitutes:

(i) a capital felony;

(ii) a felony of the first degree; or

- (iii) an aggravated controlled substance felony;
- (B) not more than 20 years if the conduct constitutes a felony of the second degree; or
- (C) not more than 10 years if the conduct constitutes a felony of the third degree;
- (4) the court may assign the child an appropriate sanction level and sanctions as provided by the assignment guidelines in Section 59.003;
- (5) the court may place the child in a suitable nonsecure correctional facility that is registered and meets the applicable standards for the facility as provided by Section 51.126; or
- (6) if applicable, the court or jury may make a disposition under Subsection (m) or Section 54.04011(c)(2)(A).

SECTION 2. Chapter 54, Family Code, is amended by adding Section 54.04013 to read as follows:

Sec. 54.04013. SPECIAL COMMITMENT TO TEXAS JUVENILE JUSTICE DEPARTMENT. Notwithstanding any other provision of this code, after a disposition hearing held in accordance with Section 54.04, the juvenile court may commit a child who is found to have engaged in delinquent conduct that constitutes a felony offense to the Texas Juvenile Justice Department without a determinate sentence if the court makes a special commitment finding that the child has behavioral health or other special needs that cannot be met with the resources available in the community. The court should consider the findings of a validated risk and needs assessment and the findings of any other appropriate professional assessment available to the court.

SECTION 3. Section 202.010, Human Resources Code, is amended to read as follows:

Sec. 202.010. SUNSET PROVISION. The Texas Juvenile Justice Board and the Texas Juvenile Justice Department are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board and the department are abolished September 1, 2021 [2017].

SECTION 4. Chapter 203, Human Resources Code, is amended by adding Sections 203.017 and 203.018 to read as follows:

Sec. 203.017. REGIONALIZATION PLAN. (a) The department shall develop and the board shall adopt a regionalization plan for keeping children closer to home in lieu of commitment to the secure facilities operated by the department under Subtitle C.

(b) The department shall consult with juvenile probation departments in developing a regionalization plan, including the identification of:

(1) post-adjudication facility capacity that may be dedicated to support the plan; and

(2) resources needed to implement the plan.

(c) The regionalization plan must define regions of the state to be served by facilities operated by juvenile probation departments, counties, halfway houses, or private operators, based on the post-adjudication facilities identified as being available for the purpose of the plan.

(d) The department shall ensure that each region has defined, appropriate, research-based programs for the target populations under the regionalization plan.

(e) The regionalization plan must:

(1) include a budget review, redirection of staff, and funding mechanisms necessary to support the plan;

(2) create a new division of the department responsible for administering the regionalization plan and monitoring program quality and accountability;

(3) include sufficient mechanisms to divert at least:

(A) 30 juveniles from commitment to secure facilities operated by the department for the state fiscal year beginning September 1, 2015; and

(B) 150 juveniles from commitment to secure facilities operated by the department for the state fiscal year beginning September 1, 2016; and

(4) for the state fiscal year beginning September 1, 2017, and each subsequent state fiscal year, include any savings that are generated by the decreases in the population of the secure facilities operated by the department under Subtitle C that exceed the cost of implementing the plan.

(f) The division created under Subsection (e)(2) shall:

(1) approve plans and related protocols to administer the developed regional model;

(2) provide training on best practices for all local probation departments affected by the regionalization plan;

(3) assist in research-based program development;

(4) monitor contract and program measures for the regionalization plan;

(5) analyze department data to provide clear guidance to local probation departments on outcome measures; and

(6) report on performance of specific programs and placements to assist in implementing best practices and maximize the impact of state funds.

(g) A region is eligible for funding to support evidence-based, intensive in-home services only if the region meets the performance standards established by the department and adopted in contracts for placement and services.

(h) The department shall adopt rules to allow the local probation departments implementing the regionalization plan to access the data submitted by those departments in the state juvenile case management system for planning and research purposes.

(i) The regionalization plan developed under this section must be finalized not later than August 31, 2016.

(j) For the state fiscal years beginning September 1, 2015, and September 1, 2016, the legislature shall appropriate funds necessary to develop and initiate the implementation of the regionalization plan. Funds appropriated for this purpose may not be offset by projected savings generated by the decreases in the population of the secure facilities operated by the department under Subtitle C. This subsection and Subsection (i) expire September 1, 2017.

Sec. 203.018. SPECIALIZED PROGRAMS AND SPECIAL PROJECTS.

(a) The department shall develop specialized programs for children with a determinate sentence and children committed under Section 54.04013, Family Code. The programs must ensure safety and security for committed children and provide developmentally appropriate program strategies.

(b) The department shall establish performance-based goals related to improved outcomes that:

(1) must include measures to reduce recidivism; and

(2) shall include other well-being outcome measures.

(c) The department shall use case review strategies to identify children in department facilities who can safely and appropriately be transferred to alternative local placements or halfway houses, placed on parole, or discharged from the department.

(d) The department shall study and report to the board on the potential for repurposing existing secure facilities for the confinement of children with a determinate sentence or children committed under Section 54.04013, Family Code, or for other purposes.

(e) The department or any local probation department may not use or contract with a facility that was constructed or previously used for the confinement of adult offenders.

SECTION 5. Section 221.003, Human Resources Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Any risk and needs assessment instrument or process that is provided or approved by the department for a juvenile probation department to use under Subsection (b) must be a validated instrument or process.

SECTION 6. Section 223.001, Human Resources Code, is amended to read as follows:

Sec. 223.001. DETERMINATION OF AMOUNT OF STATE AID. (a) The department shall annually allocate funds for financial assistance to juvenile boards to provide juvenile services according to current estimates of the number of juveniles in each county, a basic probation funding formula for departments that clearly defines what basic probation entails and which services are provided, and other factors the department determines are appropriate.

(b) The legislature may appropriate the amount of state aid necessary to supplement local funds to maintain and improve statewide juvenile services that comply with department standards and to initiate and support the regionalization plan under Section 203.017 so that savings are generated by decreases in the population of department facilities operated under Subtitle C.

(c) The department shall ~~may~~ set aside a portion of the funds appropriated to the department for discretionary state aid to fund programs designed to address special needs or projects of local juvenile boards, including projects dedicated to specific target populations based on risk and needs, and with established recidivism reduction goals. The department shall develop discretionary grant funding protocols based on documented, data-driven, and research-based practices.

(d) The department shall reimburse counties for the placement of children in the regional specialized program at a rate that offers a savings to the state in relation to the average cost per day for confining a child in a department facility operated under Subtitle C.

(e) The department may not adversely impact the state aid for a juvenile board or a juvenile probation department that does not enter into a contract to serve youth from other counties, or does not act as a regional facility.

(f) A juvenile board or juvenile probation department may not be required to accept a child for placement in a post-adjudication correctional facility, unless the child is subject to an order issued by a juvenile court served by that board or department.

SECTION 7. Sections 261.101(a) and (e), Human Resources Code, are amended to read as follows:

(a) The independent ombudsman shall:

(1) review the procedures established by the board and evaluate the delivery of services to children to ensure that the rights of children are fully observed;

(2) review complaints filed with the independent ombudsman concerning the actions of the department and investigate each complaint in which it appears that a child may be in need of assistance from the independent ombudsman;

(3) conduct investigations of complaints, other than complaints alleging criminal behavior, if the office determines that:

(A) a child committed to the department or the child's family may be in need of assistance from the office; or

(B) a systemic issue in the department's provision of services is raised by a complaint;

(4) review or inspect periodically the facilities and procedures of any institution or residence in which a child has been placed by the department, whether public or private, to ensure that the rights of children are fully observed;

(5) provide assistance to a child or family who the independent ombudsman determines is in need of assistance, including advocating with an agency, provider, or other person in the best interests of the child;

(6) review court orders as necessary to fulfill its duties;

(7) recommend changes in any procedure relating to the treatment of children committed to the department;

(8) make appropriate referrals under any of the duties and powers listed in this subsection;

(9) supervise assistants who are serving as advocates in their representation of children committed to the department in internal administrative and disciplinary hearings;

(10) review reports received by the department relating to complaints regarding juvenile probation programs, services, or facilities and analyze the data contained in the reports to identify trends in complaints; ~~and~~

(11) report a possible standards violation by a local juvenile probation department to the appropriate division of the department; and

(12) immediately report the findings of any investigation related to the operation of a post-adjudication correctional facility in a county to the chief juvenile probation officer and the juvenile board of the county.

(e) Notwithstanding any other provision of this chapter, the powers of the office include:

(1) ~~[are limited to]~~ facilities operated and services provided by the department under Subtitle C;

(2) post-adjudication correctional facilities under Section 51.125, Family Code;

(3) any other residential facility in which a child adjudicated as having engaged in conduct indicating a need for supervision or delinquent conduct is placed by court order; and

(4) the investigation of complaints alleging a violation of the rights of the children placed in a facility described by Subdivision (2) or (3).

SECTION 8. The changes in law made by Section 54.04(d), Family Code, as amended by this Act, and Section 54.04013, Family Code, as added by this Act, apply only to conduct that occurs on or after September 1, 2017. Conduct that occurs before September 1, 2017, is governed by the law in effect when the conduct occurred, and the former law is continued in effect for that purpose. For purposes of this section, conduct occurs before September 1, 2017, if any element of the conduct occurs before that date.

SECTION 9. This Act takes effect September 1, 2015.

The Conference Committee Report on **SB 1630** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 1882

Senator Zaffirini submitted the following Conference Committee Report:

Austin, Texas
May 29, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1882** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

ZAFFIRINI
ESTES
HUFFMAN
NELSON
SCHWERTNER

On the part of the Senate

S. THOMPSON
MURR
WRAY

On the part of the House

A BILL TO BE ENTITLED AN ACT

relating to a bill of rights for wards under guardianship.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 1151, Estates Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. RIGHTS OF WARDS

Sec. 1151.351. BILL OF RIGHTS FOR WARDS. (a) A ward has all the rights, benefits, responsibilities, and privileges granted by the constitution and laws of this state and the United States, except where specifically limited by a court-ordered guardianship or where otherwise lawfully restricted.

(b) Unless limited by a court or otherwise restricted by law, a ward is authorized to the following:

(1) to have a copy of the guardianship order and letters of guardianship and contact information for the probate court that issued the order and letters;

(2) to have a guardianship that encourages the development or maintenance of maximum self-reliance and independence in the ward with the eventual goal, if possible, of self-sufficiency;

(3) to be treated with respect, consideration, and recognition of the ward's dignity and individuality;

(4) to reside and receive support services in the most integrated setting, including home-based or other community-based settings, as required by Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.);

(5) to consideration of the ward's current and previously stated personal preferences, desires, medical and psychiatric treatment preferences, religious beliefs, living arrangements, and other preferences and opinions;

(6) to financial self-determination for all public benefits after essential living expenses and health needs are met and to have access to a monthly personal allowance;

(7) to receive timely and appropriate health care and medical treatment that does not violate the ward's rights granted by the constitution and laws of this state and the United States;

(8) to exercise full control of all aspects of life not specifically granted by the court to the guardian;

(9) to control the ward's personal environment based on the ward's preferences;

(10) to complain or raise concerns regarding the guardian or guardianship to the court, including living arrangements, retaliation by the guardian, conflicts of interest between the guardian and service providers, or a violation of any rights under this section;

(11) to receive notice in the ward's native language, or preferred mode of communication, and in a manner accessible to the ward, of a court proceeding to continue, modify, or terminate the guardianship and the opportunity to appear before the court to express the ward's preferences and concerns regarding whether the guardianship should be continued, modified, or terminated;

(12) to have a court investigator, guardian ad litem, or attorney ad litem appointed by the court to investigate a complaint received by the court from the ward or any person about the guardianship;

(13) to participate in social, religious, and recreational activities, training, employment, education, habilitation, and rehabilitation of the ward's choice in the most integrated setting;

(14) to self-determination in the substantial maintenance, disposition, and management of real and personal property after essential living expenses and health needs are met, including the right to receive notice and object about the substantial maintenance, disposition, or management of clothing, furniture, vehicles, and other personal effects;

(15) to personal privacy and confidentiality in personal matters, subject to state and federal law;

(16) to unimpeded, private, and uncensored communication and visitation with persons of the ward's choice, except that if the guardian determines that certain communication or visitation causes substantial harm to the ward:

(A) the guardian may limit, supervise, or restrict communication or visitation, but only to the extent necessary to protect the ward from substantial harm; and

(B) the ward may request a hearing to remove any restrictions on communication or visitation imposed by the guardian under Paragraph (A);

(17) to petition the court and retain counsel of the ward's choice who holds a certificate required by Subchapter E, Chapter 1054, to represent the ward's interest for capacity restoration, modification of the guardianship, the appointment of a different guardian, or for other appropriate relief under this subchapter, including a transition to a supported decision-making agreement, except as limited by Section 1054.006;

(18) to vote in a public election, marry, and retain a license to operate a motor vehicle, unless restricted by the court;

(19) to personal visits from the guardian or the guardian's designee at least once every three months, but more often, if necessary, unless the court orders otherwise;

(20) to be informed of the name, address, phone number, and purpose of Disability Rights Texas, an organization whose mission is to protect the rights of, and advocate for, persons with disabilities, and to communicate and meet with representatives of that organization;

(21) to be informed of the name, address, phone number, and purpose of an independent living center, an area agency on aging, an aging and disability resource center, and the local mental health and intellectual and developmental disability center, and to communicate and meet with representatives from these agencies and organizations;

(22) to be informed of the name, address, phone number, and purpose of the Judicial Branch Certification Commission and the procedure for filing a complaint against a certified guardian;

(23) to contact the Department of Family and Protective Services to report abuse, neglect, exploitation, or violation of personal rights without fear of punishment, interference, coercion, or retaliation; and

(24) to have the guardian, on appointment and on annual renewal of the guardianship, explain the rights delineated in this subsection in the ward's native language, or preferred mode of communication, and in a manner accessible to the ward.

(c) This section does not supersede or abrogate other remedies existing in law.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

The Conference Committee Report on **SB 1882** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 4175**

Senator L. Taylor submitted the following Conference Committee Report:

Austin, Texas
May 29, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 4175** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

L. TAYLOR
CAMPBELL
CREIGHTON
GARCIA
KOLKHORST

On the part of the Senate

S. THOMPSON
JOHNSON
KEFFER
METCALF
WALLE

On the part of the House

The Conference Committee Report on **HB 4175** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 313**

Senator Seliger submitted the following Conference Committee Report:

Austin, Texas
May 29, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 313** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

SELIGER
L. TAYLOR
ELTIFE
ESTES
WEST

On the part of the Senate

AYCOCK
CROWNOVER
VANDEAVER

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the essential knowledge and skills of the required public school curriculum, the administration of and reports relating to assessment instruments administered to public school students, the instructional materials allotment, and proclamations for the production of instructional materials.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.0025 to read as follows:

Sec. 28.0025. REVIEW AND MODIFICATION OF ESSENTIAL KNOWLEDGE AND SKILLS. (a) The State Board of Education shall:

(1) conduct a review of the essential knowledge and skills of each foundation curriculum subject under Section 28.002(a)(1) that were most recently revised by the board with an effective date before September 1, 2012; and

(2) modify the essential knowledge and skills of each foundation curriculum subject reviewed under Subdivision (1) to narrow the content and scope of standards and skills for the subject at each grade level in accordance with this section.

(b) In complying with this section, the State Board of Education shall consider:

(1) at each grade level for each subject reviewed under this section, the time:

(A) a teacher would require to provide comprehensive instruction on a particular standard or skill; and

(B) a typical student would require to master a particular standard or skill;

(2) whether, in light of the consideration required by Subdivision (1), each essential knowledge and skill of a subject reviewed under this section can be comprehensively taught within the number of school days required under Section 25.081, not including the number of days required for testing;

(3) the college and career readiness standards, and whether inclusion of part of those standards in the essential knowledge and skills of a subject reviewed under this section is possible; and

(4) whether an assessment instrument administered under Section 39.023 adequately assesses a particular standard or skill.

(c) In establishing or following an established timeline for reviewing and modifying the essential knowledge and skills as required under this section, the State Board of Education shall ensure that the timeline reflects a priority to first review and modify a subject for which an end-of-course assessment instrument under Section 39.023(c) is administered before a subject for which an assessment instrument under

Section 39.023(a) is administered. The board shall complete the review and modification of the essential knowledge and skills at each grade level for each applicable subject as required under this section not later than September 1, 2018.

(d) The review and modification of the essential knowledge and skills for the foundation curriculum conducted by the State Board of Education under this section may not result in a need for the adoption of new instructional materials in any subject other than English language arts.

(e) Until the review and modification under this section is complete, the State Board of Education may not add to or modify the content and scope of standards and skills for any subject in the foundation curriculum under Section 28.002(a)(1) reviewed under this section unless modifications are made in accordance with this section.

(f) This section expires September 1, 2018.

SECTION 2. Section 28.008(d), Education Code, is amended to read as follows:

(d) The State Board of Education shall incorporate college readiness standards and expectations approved by the commissioner of education and the Texas Higher Education Coordinating Board under Subsection (b) into the essential knowledge and skills identified by the board under Section 28.002(c). The State Board of Education shall develop a chart that clearly indicates the alignment of the college readiness standards and expectations with the essential knowledge and skills identified by the board under Section 28.002(c).

SECTION 3. Section 31.002, Education Code, is amended by adding Subdivision (1-b) to read as follows:

(1-b) "Proclamation" means a request for production of instructional materials issued by the State Board of Education.

SECTION 4. Sections 31.0211(a) and (d), Education Code, are amended to read as follows:

(a) A school district is entitled to an ~~[annual]~~ allotment each biennium from the state instructional materials fund for each student enrolled in the district on a date during the last year of the preceding biennium ~~[school-year]~~ specified by the commissioner. The commissioner shall determine the amount of the allotment per student each biennium ~~[year]~~ on the basis of the amount of money available in the state instructional materials fund to fund the allotment. An allotment under this section shall be transferred from the state instructional materials fund to the credit of the district's instructional materials account as provided by Section 31.0212.

(d) Each biennium ~~[year]~~ a school district shall use the district's allotment under this section to purchase, in the following order:

(1) instructional materials necessary to permit the district to certify that the district has instructional materials that cover all elements of the essential knowledge and skills of the required curriculum, other than physical education, for each grade level as required by Section 28.002; and

(2) any other instructional materials or technological equipment as determined by the district.

SECTION 5. Section 31.0212(a), Education Code, is amended to read as follows:

(a) The commissioner shall maintain an instructional materials account for each school district. In the first year of each biennium [~~Each school year~~], the commissioner shall deposit in the account for each district the amount of the district's instructional materials allotment under Section 31.0211.

SECTION 6. Sections 31.0215(a) and (b), Education Code, are amended to read as follows:

(a) The commissioner shall, as early as practicable during each biennium [~~fiscal year~~], notify each school district and open-enrollment charter school of the estimated amount to which the district or charter school will be entitled under Section 31.0211 during the next fiscal biennium [~~year~~].

(b) The commissioner may allow a school district or open-enrollment charter school to place an order for instructional materials before the beginning of a fiscal biennium [~~year~~] and to receive instructional materials before payment. The commissioner shall limit the cost of an order placed under this section to 80 percent of the estimated amount to which a school district or open-enrollment charter school is estimated to be entitled as provided by Subsection (a) and shall first credit any balance in a district or charter school instructional materials account to pay for an order placed under this section.

SECTION 7. Section 31.022, Education Code, is amended by adding Subsections (b-1), (b-2), and (b-3) and amending Subsection (f) to read as follows:

(b-1) For any state fiscal biennium, the board may only issue proclamations for instructional materials in which the total projected cost of instructional materials under the proclamations does not exceed 75 percent of the total amount used to fund the instructional materials allotment under Section 31.0211 for that biennium.

(b-2) Following the adoption of revised essential knowledge and skills for any subject, the board shall determine whether issuance of a proclamation is necessary based on the significance of the changes to the essential knowledge and skills. If the board determines a proclamation is necessary, the board shall issue:

(1) a full call for instructional materials aligned to all of the essential knowledge and skills for the subject and grade level;

(2) a supplemental call for instructional materials aligned to new or expanded essential knowledge and skills for the subject and grade level;

(3) a call for new information demonstrating alignment of current instructional materials to the revised essential knowledge and skills; or

(4) any combination of the calls described by Subdivisions (1), (2), and (3).

(b-3) In determining the disbursement of money to the available school fund and the amount of that disbursement that will be used, in accordance with Section 43.001(d), to fund the instructional materials allotment under Section 31.0211, the board must consider the cost of all instructional materials and technology requirements for that state fiscal biennium.

(f) The board shall amend any proclamation [~~request for production~~] issued for the purchase of instructional materials to conform to the instructional materials funding levels provided by the General Appropriations Act for the year of implementation and to comply with Subsection (b-1).

SECTION 8. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0239 to read as follows:

Sec. 39.0239. REQUIRED REPORT FOR CERTAIN ASSESSMENTS.

(a) Following the administration of an assessment instrument adopted or developed under Section 39.023(a), the agency shall provide a detailed report of a student's performance on the assessment instrument to:

- (1) the student;
- (2) the student's parent or other person standing in parental relationship; and
- (3) the student's teachers.

(b) The report provided under Subsection (a) must include an analysis of a student's performance on each assessed standard or skill in the essential knowledge and skills of the subject for which the assessment instrument was administered. The analysis must indicate whether the student mastered each standard or skill assessed in the assessment instrument.

(c) The analysis under Subsection (b) must demonstrate both individual assessment results and assessment results aggregated across classes, campuses, and districts.

(d) If the commissioner contracts with a third party for the development or adoption of an assessment instrument under Section 39.023(a), the contract must require the third party to fulfill the requirements of this section.

SECTION 9. Section 43.001(d), Education Code, is amended to read as follows:

(d) Each biennium ~~[year]~~ the State Board of Education shall set aside an amount equal to 50 percent of the ~~[annual]~~ distribution for that biennium ~~[year]~~ from the permanent school fund to the available school fund as provided by Section 5(a), Article VII, Texas Constitution, to be placed, subject to the General Appropriations Act, in the state instructional materials fund established under Section 31.021.

SECTION 10. Section 403.093(d), Government Code, is amended to read as follows:

(d) The comptroller shall transfer from the general revenue fund to the foundation school fund an amount of money necessary to fund the foundation school program as provided by Chapter 42, Education Code. The comptroller shall make the transfers in installments as necessary to comply with Section 42.259, Education Code, and permit the Texas Education Agency, to the extent authorized by the General Appropriations Act, to make temporary transfers from the foundation school fund for payment of the instructional materials allotment under Section 31.0211, Education Code. Unless an earlier date is necessary for purposes of temporary transfers for payment of the instructional materials allotment, an [An] installment must be made not earlier than two days before the date an installment to school districts is required by Section 42.259, Education Code, and must not exceed the amount necessary for that payment and any temporary transfers for payment of the instructional materials allotment.

SECTION 11. Sections 31.101(d) and (e), Education Code, are repealed.

SECTION 12. Not later than January 1, 2016, the State Board of Education shall develop a chart as prescribed by Section 28.008(d), Education Code, as amended by this Act.

SECTION 13. The change in law made by Section 39.0239(d), Education Code, as added by this Act, applies only to a contract entered into, amended, or renewed on or after the effective date of this Act. A contract entered into, amended, or renewed

before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 14. This Act applies beginning with the 2015-2016 school year.

SECTION 15. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

The Conference Committee Report on **SB 313** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 1756

Senator V. Taylor submitted the following Conference Committee Report:

Austin, Texas
May 30, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1756** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

V. TAYLOR
CREIGHTON
HALL
HUFFINES
WEST

On the part of the Senate

PHILLIPS
DALE
KEFFER
MOODY
NEVÁREZ

On the part of the House

A BILL TO BE ENTITLED AN ACT

relating to the issuance of driver's licenses and personal identification certificates and the classification and operation of certain vehicles; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 521.001, Transportation Code, is amended by amending Subsection (a)(6-a) and adding Subsection (c) to read as follows:

(6-a) "Motorcycle" includes an enclosed three-wheeled passenger vehicle that:

(A) is designed to operate with three wheels in contact with the ground;

(B) ~~[has a minimum unladen weight of 900 lbs.;~~

~~[(C)]~~ has a single, completely enclosed, occupant compartment; and

(C) ~~[(D)]~~ at a minimum, is equipped with:

(i) seats that are certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 207, 49 C.F.R. Section 571.207;

(ii) a steering wheel used to maneuver the vehicle;

(iii) a propulsion unit located in front of or behind the enclosed occupant compartment;

(iv) a seat belt for each vehicle occupant certified by the manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 209, 49 C.F.R. Section 571.209;

(v) a windshield and one or more windshield wipers certified by the manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 205, 49 C.F.R. Section 571.205, and Federal Motor Vehicle Safety Standard No. 104, 49 C.F.R. Section 571.104; ~~[and]~~

(vi) a vehicle structure certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 216, 49 C.F.R. Section 571.216, if:

(a) the unladen weight of the vehicle is more than 900 pounds;

or

(b) the unladen weight of the vehicle is not more than 900 pounds and the vehicle has a maximum speed capability of more than 40 miles per hour; and

(vii) an active tilt control system if the unladen weight of the vehicle is not more than 900 pounds and the vehicle has a maximum speed capability of 40 miles per hour or less~~;~~ ~~and~~

~~[(E) is produced by its manufacturer in a minimum quantity of 300 in any calendar year].~~

(c) The department by rule may define types of vehicles that are "motorcycles" for the purposes of this chapter, in addition to those defined under Subsection (a)(6-a). The Texas Department of Motor Vehicles by rule may define the types of vehicles that are "motorcycles" for the purposes of Chapters 501, 502, and 503. This subsection applies only to vehicles manufactured by a manufacturer licensed under Chapter 2301, Occupations Code.

SECTION 2. The heading to Section 521.008, Transportation Code, as added by Chapter 1233 (S.B. 1729), Acts of the 83rd Legislature, Regular Session, 2013, is amended to read as follows:

Sec. 521.008. ~~[PILOT]~~ PROGRAM REGARDING THE PROVISION OF RENEWAL AND DUPLICATE DRIVER'S LICENSE AND OTHER IDENTIFICATION CERTIFICATE SERVICES.

SECTION 3. Sections 521.008(a) and (a-1), Transportation Code, as added by Chapter 1233 (S.B. 1729), Acts of the 83rd Legislature, Regular Session, 2013, are amended to read as follows:

(a) The department may establish a ~~[pilot]~~ program for the provision of renewal and duplicate driver's license, election identification certificate, and personal identification certificate services in counties that enter into an agreement with the department under Subsection (a-1)~~;~~

~~[(1) not more than three counties with a population of 50,000 or less;~~

~~[(2) not more than three counties with a population of more than 50,000 but less than 1,000,001;~~

~~[(3) not more than two counties with a population of more than one million; and~~

~~[(4) notwithstanding Subdivisions (1) (3), any county in which the department operates a driver's license office as a scheduled or mobile office].~~

(a-1) Under the [pilot] program, the department may enter into an agreement with the commissioners court of a county to permit county employees to provide services at a county office relating to the issuance of renewal and duplicate driver's licenses, election identification certificates, and personal identification certificates, including:

(1) taking photographs;

(2) administering vision tests;

(3) updating a driver's license, election identification certificate, or personal identification certificate to change a name, address, or photograph;

(4) distributing and collecting information relating to donations under Section 521.401;

(5) collecting fees; and

(6) performing other basic ministerial functions and tasks necessary to issue renewal and duplicate driver's licenses, election identification certificates, and personal identification certificates.

SECTION 4. Section 521.085(b), Transportation Code, is amended to read as follows:

(b) Subsection (a) does not prohibit a license holder from operating a lesser type of vehicle that is:

(1) a motorcycle described by Section 521.001(a)(6-a); or

(2) a type of motorcycle defined by the department under Section 521.001(c) and designated by the department as qualifying for operation under this section.

SECTION 5. Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.4165 to read as follows:

Sec. 545.4165. OPERATION OF CERTAIN MOTORCYCLES. A person may not operate a motorcycle described by Section 521.001(a)(6-a)(C)(vii) on a public highway for which the posted speed limit is more than 45 miles per hour, except that the operator may cross an intersection with a public highway that has a posted speed limit of more than 45 miles per hour.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

The Conference Committee Report on **SB 1756** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3615**

Senator Zaffirini submitted the following Conference Committee Report:

Austin, Texas
May 30, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 3615** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

ZAFFIRINI
BIRDWELL
CAMPBELL
HINOJOSA
SELIGER

On the part of the Senate

ISAAC
CYRIER
HOWARD
E. RODRIGUEZ
SPRINGER

On the part of the House

The Conference Committee Report on **HB 3615** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1999**

Senator Menéndez submitted the following Conference Committee Report:

Austin, Texas
May 29, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1999** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MENÉNDEZ
CREIGHTON
PERRY
ZAFFIRINI
On the part of the Senate

COLEMAN
FARIAS
MORRISON
ZERWAS
On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to day activity and health services facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 531.951(a), Government Code, is amended to read as follows:

(a) This subchapter applies only to the final licensing, listing, or registration decisions of a health and human services agency with respect to a person under the law authorizing the agency to regulate the following types of persons:

- (1) a youth camp licensed under Chapter 141, Health and Safety Code;
- (2) a home and community support services agency licensed under Chapter 142, Health and Safety Code;
- (3) a hospital licensed under Chapter 241, Health and Safety Code;
- (4) an institution licensed under Chapter 242, Health and Safety Code;
- (5) an assisted living facility licensed under Chapter 247, Health and Safety Code;
- (6) a special care facility licensed under Chapter 248, Health and Safety Code;
- (7) an intermediate care facility licensed under Chapter 252, Health and Safety Code;
- (8) a chemical dependency treatment facility licensed under Chapter 464, Health and Safety Code;
- (9) a mental hospital or mental health facility licensed under Chapter 577, Health and Safety Code;
- (10) a child-care facility or child-placing agency licensed under or a family home listed or registered under Chapter 42, Human Resources Code; or
- (11) a day activity and health services [~~an adult day care~~] facility licensed under Chapter 103, Human Resources Code.

SECTION 2. Section 81.042(e), Health and Safety Code, is amended to read as follows:

(e) The following persons shall report to the local health authority or the department a suspected case of a reportable disease and all information known concerning the person who has or is suspected of having the disease if a report is not made as required by Subsections (a)-(d):

- (1) a professional registered nurse;
- (2) an administrator or director of a public or private temporary or permanent child-care facility;
- (3) an administrator or director of a nursing home, personal care home, adult respite care center, or day activity and health services facility [~~adult day care center~~];
- (4) an administrator of a home health agency;
- (5) an administrator or health official of a public or private institution of higher education;
- (6) an owner or manager of a restaurant, dairy, or other food handling or processing establishment or outlet;

- (7) a superintendent, manager, or health official of a public or private camp, home, or institution;
 - (8) a parent, guardian, or householder;
 - (9) a health professional;
 - (10) an administrator or health official of a penal or correctional institution;
- or

(11) emergency medical service personnel, a peace officer, or a firefighter.

SECTION 3. Section 164.003(5), Health and Safety Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(5) "Mental health facility" means:

- (A) a "mental health facility" as defined by Section 571.003;
- (B) a residential treatment facility, other than a mental health facility, in which persons are treated for emotional problems or disorders in a 24-hour supervised living environment; and
- (C) a day activity and health services [~~an adult day care~~] facility as defined by Section 103.003, Human Resources Code.

SECTION 4. Section 250.001(3), Health and Safety Code, as reenacted and amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(3) "Facility" means:

- (A) a nursing facility, custodial care home, or other institution licensed by the Department of Aging and Disability Services under Chapter 242;
- (B) an assisted living facility licensed by the Department of Aging and Disability Services under Chapter 247;
- (C) a home and community support services agency licensed under Chapter 142;
- (D) a day activity and health services [~~an adult day care~~] facility licensed by the Department of Aging and Disability Services under Chapter 103, Human Resources Code;
- (E) an ICF-IID licensed under Chapter 252;
- (F) an adult foster care provider that contracts with the Department of Aging and Disability Services;
- (G) a facility that provides mental health services and that is operated by or contracts with the Department of State Health Services;
- (H) a local mental health authority designated under Section 533.035 or a local intellectual and developmental disability authority designated under Section 533.035;
- (I) a person exempt from licensing under Section 142.003(a)(19);
- (J) a special care facility licensed by the Department of State Health Services under Chapter 248;
- (K) a mental health service unit of a hospital licensed under Chapter 241; or
- (L) a prescribed pediatric extended care center licensed by the Department of Aging and Disability Services under Chapter 248A.

SECTION 5. The heading to Chapter 103, Human Resources Code, is amended to read as follows:

CHAPTER 103. DAY ACTIVITY AND HEALTH SERVICES [~~ADULT DAY CARE~~]

SECTION 6. Section 103.001, Human Resources Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, and Section 103.002, Human Resources Code, are amended to read as follows:

Sec. 103.001. PURPOSE. It is the purpose of this chapter to establish programs of quality day activity and health services [~~adult day care and day health care~~] that will enable persons with disabilities who have medical or functional impairments and elderly persons to maintain maximum independence and to prevent premature or inappropriate institutionalization. It is the purpose of this chapter to provide adequately regulated supervision for elderly persons and persons with disabilities while enabling them to remain in a family environment and affording the family a measure of normality in its daily activities. The legislature intends to provide for the development of policies and programs that will:

- (1) provide alternatives to institutionalization;
- (2) establish facilities for day activity and health services [~~adult day care and day health care~~] throughout the state that offer services and are accessible to economically disadvantaged persons; and
- (3) prevent inappropriate institutionalization.

Sec. 103.002. SHORT TITLE. This chapter may be cited as the Day Activity and Health Services [~~Adult Day Care~~] Act.

SECTION 7. Section 103.003(1), Human Resources Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, and Section 103.003(2), Human Resources Code, are amended to read as follows:

(1) "Day activity and health services [~~Adult day care~~] facility" means a facility that provides services under a day activity and health services [~~an adult day care~~] program on a daily or regular basis but not overnight to four or more elderly persons or persons with disabilities who are not related by blood, marriage, or adoption to the owner of the facility.

(2) "Day activity and health services [~~Adult day care~~] program" means a structured, comprehensive program that is designed to meet the needs of adults with functional impairments through an individual plan of care by providing health, social, and related support services in a protective setting.

SECTION 8. Section 103.0041(a), Human Resources Code, is amended to read as follows:

(a) A person may not operate a day activity and health services [~~an adult day care~~] facility without a license issued under this chapter.

SECTION 9. Section 103.006(a), Human Resources Code, is amended to read as follows:

(a) The department shall issue a license to operate a day activity and health services [~~an adult day care~~] facility to a person who has met the application requirements and received approval after an on-site inspection.

SECTION 10. Section 103.007(a), Human Resources Code, is amended to read as follows:

(a) An applicant for a license to operate a day activity and health services [~~an adult day care~~] facility must file an application on a form prescribed by the department together with a license fee of \$50.

SECTION 11. Section 103.0075(a), Human Resources Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a) The executive commissioner by rule shall adopt a procedure under which a person proposing to construct or modify a day activity and health services [~~an adult day care~~] facility may submit building plans to the department for review for compliance with the department's architectural requirements before beginning construction or modification. In adopting the procedure, the executive commissioner shall set reasonable deadlines by which the department must complete review of submitted plans.

SECTION 12. Section 103.0091(a), Human Resources Code, is amended to read as follows:

(a) The department may petition a district court for a temporary restraining order to restrain a continuing violation of the standards or licensing requirements provided under this chapter if the department finds that the violation creates an immediate threat to the health and safety of the day activity and health services facility [~~adult day care~~] residents.

SECTION 13. Section 103.0092(a), Human Resources Code, is amended to read as follows:

(a) If the department finds a day activity and health services [~~an adult day care~~] facility operating in violation of the standards prescribed by this chapter and the violations create an immediate threat to the health and safety of a resident in the facility, the department shall suspend the license or order immediate closing of all or part of the facility.

SECTION 14. Section 103.011, Human Resources Code, is amended to read as follows:

Sec. 103.011. RIGHTS OF THE ELDERLY. (a) In addition to other rights an individual attending a day activity and health services [~~an adult day care~~] facility has as a citizen, an individual who is 55 years of age or older has the rights prescribed by Chapter 102 of this code.

(b) The department shall require each day activity and health services [~~adult day care~~] facility to implement and enforce the applicable provisions of Chapter 102 of this code.

SECTION 15. Section 103.012(a), Human Resources Code, is amended to read as follows:

(a) The department may assess an administrative penalty against a person who:

(1) violates this chapter, a rule, standard, or order adopted under this chapter, or a term of a license issued under this chapter;

(2) makes a false statement of a material fact that the person knows or should know is false:

(A) on an application for issuance or renewal of a license or in an attachment to the application; or

(B) with respect to a matter under investigation by the department;

(3) refuses to allow a representative of the department to inspect:

(A) a book, record, or file required to be maintained by a day activity and health services [~~an adult day care~~] facility; or

(B) any portion of the premises of a day activity and health services [~~an adult day care~~] facility;

(4) wilfully interferes with the work of a representative of the department or the enforcement of this chapter;

(5) wilfully interferes with a representative of the department preserving evidence of a violation of this chapter, a rule, standard, or order adopted under this chapter, or a term of a license issued under this chapter;

(6) fails to pay a penalty assessed under this chapter not later than the 30th day after the date the assessment of the penalty becomes final; or

(7) fails to notify the department of a change of ownership before the effective date of the change of ownership.

SECTION 16. Sections 103.013(a) and (c), Human Resources Code, are amended to read as follows:

(a) The department may not collect an administrative penalty from a day activity and health services [~~an adult day care~~] facility under Section 103.012 if, not later than the 45th day after the date the facility receives notice under Section 103.014(c), the facility corrects the violation.

(c) A day activity and health services [~~An adult day care~~] facility that corrects a violation must maintain the correction. If the facility fails to maintain the correction until at least the first anniversary after the date the correction was made, the department may assess and collect an administrative penalty for the subsequent violation. An administrative penalty assessed under this subsection is equal to three times the amount of the original penalty assessed but not collected. The department is not required to provide the facility with an opportunity under this section to correct the subsequent violation.

SECTION 17. Sections 103.014(c) and (e), Human Resources Code, are amended to read as follows:

(c) The department shall give written notice of the report to the person charged with the violation not later than the 10th day after the date on which the report is issued. The notice must include:

(1) a brief summary of the charges;

(2) a statement of the amount of penalty recommended;

(3) a statement of whether the violation is subject to correction under Section 103.013 and, if the violation is subject to correction under that section, a statement of:

(A) the date on which the day activity and health services [~~adult day care~~] facility must file a plan of correction with the department that the department shall review and may approve, if satisfactory; and

(B) the date on which the plan of correction must be completed to avoid assessment of the penalty; and

(4) a statement that the person charged has a right to a hearing on the occurrence of the violation, the amount of the penalty, or both.

(e) If the violation is subject to correction under Section 103.013, the day activity and health services [~~adult day care~~] facility shall submit a plan of correction to the department for approval not later than the 10th day after the date on which the notice under Subsection (c) is received.

SECTION 18. Section 161.151(2), Human Resources Code, is amended to read as follows:

(2) "Respite services" means support services, including in-home services or day activity and health [~~adult day care~~] services, that are provided for the purpose of temporarily giving relief to a primary caregiver who provides care to an individual with a chronic serious health condition or disability.

SECTION 19. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

The Conference Committee Report on **SB 1999** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 1007

Senator Eltife submitted the following Conference Committee Report:

Austin, Texas
May 29, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1007** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

ELTIFE
SELIGER
WEST
NICHOLS
CREIGHTON

On the part of the Senate

KUEMPEL
GOLDMAN
GUTIERREZ

On the part of the House

A BILL TO BE ENTITLED AN ACT

relating to the practices and professions regulated by the Texas Appraiser Licensing and Certification Board.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1103.003, Occupations Code, is amended by amending Subdivisions (2-a), (6-b), (7), and (8) and adding Subdivisions (2-b), (4-a), and (5-a) to read as follows:

(2-a) "Appraisal review" has the meaning assigned by Section 1104.003.

(2-b) "Appraisal Standards Board" means the Appraisal Standards Board of the Appraisal Foundation, or its successor.

(4-a) "Appraiser trainee" means an appraiser trainee licensed under this chapter.

(5-a) "Certified appraiser" means a person who is certified under this chapter to practice as a certified general or certified residential appraiser.

(6-b) "Federal financial institution regulatory agency" means:

(A) the Board of Governors of the Federal Reserve System;

(B) the Federal Deposit Insurance Corporation;

(C) the Office of the Comptroller of the Currency;

(D) the Consumer Financial Protection Bureau [~~Office of Thrift Supervision~~];

(E) the National Credit Union Administration; or

(F) the successors of any of those agencies.

(7) "Licensed appraiser" ["State-certified real estate appraiser" or "certified appraiser" means a person who is certified under this chapter.

~~["State-licensed real estate appraiser" or "licensed appraiser"]~~ means a person who is licensed under this chapter to practice as a residential real estate appraiser.

(8) "Supervisory appraiser" means a supervisory appraiser as defined by the Appraiser Qualifications Board.

SECTION 2. Section 1103.004, Occupations Code, is amended to read as follows:

Sec. 1103.004. EFFECT OF CHAPTER. ~~[(b)]~~ This chapter does not prohibit:

(1) a person authorized by law from performing an evaluation of real property for or providing an evaluation of real property to another person; ~~[or]~~

(2) a real estate broker licensed under Chapter 1101 or a sales agent ~~[salesperson]~~ acting under the authority of a sponsoring broker from providing to another person a written analysis, opinion, or conclusion relating to the estimated price of real property if the analysis, opinion, or conclusion:

(A) is not referred to as an appraisal;

(B) is given in the ordinary course of the broker's ~~[or salesperson's]~~ business; and

(C) is related to the actual or potential acquisition, disposition, encumbrance, or management of an interest in real property; or

(3) an appraiser who is certified by a jurisdiction other than this state from performing an appraisal review of an appraisal performed on real property in this state, if the appraiser does not offer an opinion of value as part of the appraisal review.

SECTION 3. Section 1103.006, Occupations Code, is amended to read as follows:

Sec. 1103.006. APPLICATION OF SUNSET ACT. The Texas Appraiser Licensing and Certification Board ~~[If the federal government removes the requirements for the preparation or use of an appraisal by federally regulated financial institutions, the board]~~ is subject to Chapter 325, Government Code (Texas Sunset Act)~~[, and is subject to sunset review in the next regular session of the legislature following the date of the federal government's action]~~. Unless continued in existence ~~[by that legislature]~~ as provided by that chapter, the board is abolished and this chapter and Chapter 1104 expire September 1, 2019 ~~[expires on the 90th day after the last day of the regular session of that legislature]~~.

SECTION 4. Subchapter B, Chapter 1103, Occupations Code, is amended by adding Section 1103.0545 to read as follows:

Sec. 1103.0545. TRAINING. (a) A person who is appointed to and qualifies for office as a member of the board may not vote, deliberate, or be counted as a member in attendance at a meeting of the board until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

- (1) this chapter and other laws applicable to the board;
- (2) the programs, functions, rules, and budget of the board;
- (3) the results of the most recent formal audit of the board;
- (4) the requirements of laws relating to open meetings, public information, administrative procedure, and conflicts of interest; and
- (5) any applicable ethics policies adopted by the board or the Texas Ethics Commission.

(c) A person appointed to the board is entitled to reimbursement for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

SECTION 5. Section 1103.055, Occupations Code, is amended to read as follows:

Sec. 1103.055. TERMS; VACANCIES. (a) Appointed members of the board serve staggered six-year [two-year] terms, with the terms of one or two appraiser members and one or two public members expiring on January 31 of each odd-numbered year.

(b) If a vacancy occurs during a member's term, the governor shall appoint a person to fill the unexpired term [An appointed member may not serve more than three consecutive two-year terms].

SECTION 6. Section 1103.056, Occupations Code, is amended to read as follows:

Sec. 1103.056. OFFICERS; EXECUTIVE COMMITTEE. (a) The governor shall designate a board member who is an appraiser to serve as presiding officer of the board.

(b) At a regular meeting in February of each year, the board shall elect from its members an [a presiding officer,] assistant presiding officer[;] and a secretary.

(c) [(b)] The presiding officer, assistant presiding officer, and secretary [officers elected under Subsection (a)] constitute the executive committee.

SECTION 7. Section 1103.057(c), Occupations Code, is amended to read as follows:

(c) If the commissioner [~~presiding officer of the board~~] has knowledge that a potential ground for removal of an appointed board member exists, the commissioner shall notify the presiding officer of the board of the potential ground. The presiding officer shall immediately notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the commissioner shall notify the next highest ranking officer of the board, who shall immediately notify the governor and the attorney general that a potential ground for removal exists.

SECTION 8. Section 1103.058, Occupations Code, is amended to read as follows:

Sec. 1103.058. PER DIEM; REIMBURSEMENT. (a) An appointed board member is entitled to receive:

(1) \$75 for each day the member engages in official duties as a board member; and

(2) reimbursement for actual and necessary expenses incurred in performing official duties as a board member.

(b) For purposes of this section, the board by rule may determine what constitutes a day or actual and necessary expenses.

SECTION 9. Subchapter B, Chapter 1103, Occupations Code, is amended by adding Section 1103.060 to read as follows:

Sec. 1103.060. EDUCATIONAL PRESENTATIONS. (a) A member of the board or a board employee may make a presentation to a group of certificate or license holders for which the certificate or license holders may receive continuing education credit for the renewal of a certificate or license under Section 1103.211. The board member or employee may not receive compensation for the presentation.

(b) Notwithstanding Subsection (a), the board member or employee may receive reimbursement for reasonable travel expenses.

SECTION 10. Section 1103.101(b), Occupations Code, is amended to read as follows:

(b) The board may delegate to the commissioner the responsibility for administering this chapter and Chapter 1104, including the approval of consent orders and agreements.

SECTION 11. Section 1103.102, Occupations Code, is amended to read as follows:

Sec. 1103.102. OTHER BOARD PERSONNEL. In addition to the commissioner, the board may employ other officers and employees as necessary to administer this chapter and Chapter 1104.

SECTION 12. Section 1103.103, Occupations Code, is amended to read as follows:

Sec. 1103.103. SALARIES. ~~[(a)]~~ The commissioner [~~administrator of the Texas Real Estate Commission~~] shall determine the salaries of the officers and employees of the board.

SECTION 13. Section 1103.104, Occupations Code, is amended to read as follows:

Sec. 1103.104. DUTIES OF COMMISSIONER. The commissioner shall:

(1) disseminate information;

- (2) administer rules adopted by the board under this chapter or Chapter 1104;
- (3) review each application for a certificate or license and make a recommendation for final action to the board;
- (4) review and make recommendations to the board regarding the adoption of rules relating to:
- (A) the examination required by Subchapter F;
 - (B) education and experience requirements for issuance of certificates and licenses;
 - (C) continuing education for a certified or licensed appraiser;
 - (D) standards of professional practice and ethics for a certified or licensed appraiser;
 - (E) standards for a real estate appraisal performed by a certified or licensed appraiser; and
 - (F) the fees established by the board under Section 1103.156 or Section 1104.052;
- (5) collect fees established by the board;
- (6) manage the staff and employees of the board; and
- (7) perform any other duty prescribed by the board under this chapter or Chapter 1104.

SECTION 14. Section 1103.151, Occupations Code, is amended to read as follows:

Sec. 1103.151. RULES RELATING TO CERTIFICATES AND LICENSES. The board may adopt:

- (1) rules for certifying or licensing an appraiser or ~~[approving an]~~ appraiser trainee in this state that are in accordance with this chapter and consistent with applicable federal law;
- (2) rules relating to the qualifying education and experience required for certifying or licensing an appraiser or ~~[approving an]~~ appraiser trainee that are consistent with the guidelines recognized by the Appraiser Qualifications Board;
- (3) rules relating to the examination required by Subchapter F; and
- (4) rules relating to procedures for the timely renewal of a certificate or ~~[;]~~ license ~~[, or trainee approval]~~.

SECTION 15. Section 1103.153, Occupations Code, is amended to read as follows:

Sec. 1103.153. RULES RELATING TO QUALIFYING OR CONTINUING EDUCATION. The board may adopt rules relating to:

- (1) continuing education requirements for a certified or licensed appraiser or an ~~[approved]~~ appraiser trainee; and
- (2) the requirements for approval of a provider, course, or instructor for qualifying or continuing education.

SECTION 16. Section 1103.154, Occupations Code, is amended to read as follows:

Sec. 1103.154. RULES RELATING TO PROFESSIONAL CONDUCT. The board may adopt:

(1) rules as necessary to conform to the minimum written standards of the Appraisal Standards Board by incorporating the Uniform Standards of Professional Appraisal Practice;

(2) rules requiring a certified or licensed appraiser or an appraiser trainee to comply with standards of competency, professional conduct, and ethics prescribed by the Uniform Standards of Professional Appraisal Practice, as adopted by the Appraisal Standards Board; and

(3) rules relating to the standards for the development of an appraisal and the conveyance of an appraisal report by a certified or licensed appraiser or an appraiser trainee that are recognized as substantially equivalent to or consistent with the Uniform Standards of Professional Appraisal Practice.

SECTION 17. Section 1103.155(c), Occupations Code, is amended to read as follows:

(c) The board shall send a copy of the roster to the Appraisal Subcommittee at least weekly [~~annually~~].

SECTION 18. Section 1103.157, Occupations Code, is amended to read as follows:

Sec. 1103.157. GIFTS, GRANTS, AND DONATIONS. The board may solicit, accept, and administer gifts, grants, and donations of any kind from any public or private source for the purposes of this chapter and Chapter 1104.

SECTION 19. Section 1103.159, Occupations Code, is amended by amending Subsections (b) and (d) and adding Subsections (e), (f), and (g) to read as follows:

(b) The advisory committee consists of the assistant presiding officer of the board and four [~~two~~] persons appointed by the governor as follows:

(1) two members who are each designated as the [~~a~~] controlling person of an appraisal management company registered under Chapter 1104; and

(2) two [~~a~~] public members [~~member~~] with recognized business ability.

(d) The members of the advisory committee appointed by the governor serve staggered two-year terms, with the terms of one [~~the~~] appraisal management company member and one [~~the~~] public member expiring on January 31 of each year [~~alternating years~~].

(e) An appointed member may not serve more than two consecutive two-year terms.

(f) If a vacancy occurs during a member's term, the governor shall appoint a person to fill the unexpired term.

(g) The advisory committee may hold a meeting by telephone conference call or other video or broadcast technology.

SECTION 20. Section 1103.201, Occupations Code, is amended to read as follows:

Sec. 1103.201. CERTIFICATE OR LICENSE REQUIRED. (a) A person may not perform an appraisal of real estate unless the person is licensed or certified as an appraiser under this chapter, registered as a temporary out-of-state appraiser under this chapter, or acting as an appraiser trainee under the supervision [~~sponsorship~~] of a supervisory [~~certified~~] appraiser.

(b) Unless the person holds the appropriate license or certification, a person may not:

- (1) use the title "certified real estate appraiser" [~~"state-certified real estate appraiser"~~] or "licensed real estate appraiser" [~~"state-licensed real estate appraiser"~~]; or
- (2) refer to an appraisal performed by the person as a "certified appraisal" or "licensed appraisal."

SECTION 21. Section 1103.202, Occupations Code, is amended to read as follows:

Sec. 1103.202. ELIGIBILITY REQUIREMENTS FOR CERTIFICATE OR LICENSE. To be eligible for a certificate or license under this chapter, an applicant must:

- (1) pass the applicable examination required by Subchapter F;
- (2) successfully complete the number and type of classroom hours or other educational qualifications required by the Appraiser Qualifications Board;
- (3) provide evidence satisfactory to the board that the applicant has at least the minimum number of hours of experience in performing appraisals over the specified number of calendar years as required by the Appraiser Qualifications Board; ~~[and]~~
- (4) satisfy the board as to the applicant's honesty, trustworthiness, and integrity; and
- (5) comply with the requirements of Sections 1103.203 and 1103.2031.

SECTION 22. Section 1103.203, Occupations Code, is amended to read as follows:

Sec. 1103.203. CERTIFICATE OR LICENSE APPLICATION [~~ELIGIBILITY REQUIREMENTS FOR LICENSE~~]. (a) An applicant for a certificate or license or for renewal of a certificate or license must submit an application to the board on the form prescribed by the board.

(b) The applicant must disclose in the application whether the applicant has:

- (1) entered a plea of guilty or nolo contendere to a felony; or
- (2) been convicted of a felony and the time for appeal has elapsed or the judgment or conviction has been affirmed on appeal.

(c) The disclosure under Subsection (b) must be provided regardless of whether a court order granted community supervision suspending the imposition of the sentence.

(d) The application must include the applicant's current mailing address and telephone number and the applicant's business e-mail address, if available. The applicant shall notify the board of any change in the applicant's mailing or e-mail address or telephone number while the application is pending.

(e) The applicant must provide any other information required by the board to comply with the Appraiser Qualifications Board's criminal history and background check requirements [~~To be eligible for a license under this chapter, an applicant must:~~

- ~~[(1) pass the examination required by Subchapter F;~~
- ~~[(2) successfully complete the number and type of classroom hours or other educational qualifications required by the guidelines of the Appraiser Qualifications Board;~~

~~[(3) provide evidence satisfactory to the board that the applicant has at least the minimum number of hours of experience in performing appraisals over the specified number of calendar years as required by the guidelines of the Appraiser Qualifications Board; and~~

~~[(4) satisfy the board as to the applicant's honesty, trustworthiness, and integrity].~~

SECTION 23. Subchapter E, Chapter 1103, Occupations Code, is amended by adding Section 1103.2031 to read as follows:

Sec. 1103.2031. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT. (a) The board by rule may require that an applicant for a certificate or license or renewal of an unexpired certificate or license submit a complete and legible set of fingerprints, on a form prescribed by the board, to the board or to the Department of Public Safety for the purpose of obtaining criminal history record information from the Department of Public Safety or the Federal Bureau of Investigation.

(b) If the board implements the requirement under Subsection (a), the board may not issue a certificate or license to or renew the certificate or license on active status of an applicant who does not comply with that requirement.

(c) If the board implements the requirement under Subsection (a), the board shall conduct a criminal history check of an applicant for a certificate or license or renewal of a certificate or license using information:

(1) provided by the applicant under this section and Section 1103.203; and

(2) made available to the board by the Department of Public Safety, the Federal Bureau of Investigation, or any other criminal justice agency under Chapter 411, Government Code.

(d) The board may:

(1) enter into an agreement with the Department of Public Safety or other federally authorized entity to administer a criminal history check required under this section; and

(2) authorize the Department of Public Safety or other federally authorized entity to collect from each applicant the costs incurred by the department in conducting the criminal history check.

SECTION 24. Section 1103.204(c), Occupations Code, is amended to read as follows:

(c) The board shall give an applicant for a certificate or license credit toward fulfilling the requirements of Section [Sections] 1103.202(2) [and 1103.203(2)] for classroom hours taken in the course of becoming licensed as a real estate broker or sales agent [salesperson] or for professional development or continuing education courses taken, whether the classroom hours or courses are taken by a person as a real estate broker or sales agent [salesperson] or as an employee of a financial institution engaged in real estate-related financial transactions, if the classroom hours or courses satisfy the requirements established by the guidelines recognized by the Appraiser Qualifications Board.

SECTION 25. Sections 1103.205(a) and (c), Occupations Code, are amended to read as follows:

(a) This ~~[Except as provided by Section 1103.208, this]~~ chapter does not limit the amount of time in which an applicant for a certificate or license is required to satisfy the experience requirements under this subchapter.

(c) For the purpose of determining the qualifications of an applicant for a certificate or license under this chapter, acceptable appraisal experience includes:

(1) any one or any combination of the categories recognized by the Appraiser Qualifications Board; and

(2) experience as a real estate mortgage lending officer of a financial institution or as a real estate broker that includes the actual performance or technical review of real estate appraisals.

SECTION 26. Section 1103.206(b), Occupations Code, is amended to read as follows:

(b) The board shall adopt a reliable method to verify the evidence of appraisal experience submitted by an applicant for a certificate or license. The method must include the review of appraisal experience of all applicants for certification ~~[and must rely on appropriate sampling techniques that are applied to not more than five percent of the license applications received by the board]~~. An applicant ~~[whose application is selected for verification]~~ has at least 60 days after the date notice is sent ~~[of selection]~~ to submit ~~[prepare]~~ any records requested by the board. The board may not require the applicant to provide more information than the information the board may obtain under Section 1103.207.

SECTION 27. Section 1103.207(a), Occupations Code, is amended to read as follows:

(a) In addition to the information or documentation specified by this subchapter, the board may obtain other information or documentation from an applicant for a certificate or license under this chapter if the board determines that:

(1) a formal ~~[consumer complaint or peer]~~ complaint against the applicant alleging fraud, incompetency, or malpractice is reasonable; or

(2) other just cause exists for requiring further information.

SECTION 28. Section 1103.209(a), Occupations Code, is amended to read as follows:

(a) The board shall issue a reciprocal license or certificate ~~[or license]~~ to an applicant from another state if:

(1) the appraiser licensing and certification program of the other state is in compliance with 12 U.S.C. Section 3331 et seq.;

(2) the applicant ~~[appraiser]~~ holds a valid license or certificate from a state whose requirements for licensure or certification meet or exceed the licensure or certification requirements of this state; ~~[and]~~

(3) the applicant ~~[appraiser]~~ satisfies the board as to the appraiser's honesty, trustworthiness, and integrity; and

(4) the applicant complies with the requirements of Sections 1103.203 and 1103.2031.

SECTION 29. Section 1103.2091, Occupations Code, is amended to read as follows:

Sec. 1103.2091. PROBATIONARY CERTIFICATE OR[;] LICENSE[~~,-OR TRAINEE APPROVAL~~]. (a) The board may issue a probationary certificate or license to ~~[or approve]~~ an appraiser or an appraiser trainee, as applicable ~~[on a probationary basis]~~.

(b) The board by rule shall adopt reasonable terms for issuing a probationary certificate or license ~~[and for approval of an appraiser trainee on a probationary basis]~~.

(c) A person who holds a probationary certificate or license ~~[or who is approved as an appraiser trainee]~~ under this section must disclose the probationary status to all clients before accepting an assignment.

SECTION 30. Sections 1103.211(b) and (c), Occupations Code, are amended to read as follows:

(b) A person may renew a certificate or license by:

(1) paying the renewal fee; ~~[and]~~

(2) providing evidence satisfactory to the board that the person has completed continuing education requirements that comply with the guidelines recognized by the Appraiser Qualifications Board and that are imposed by rule under this chapter;

(3) satisfying the board as to the person's honesty, trustworthiness, and integrity; and

(4) complying with the requirements of Sections 1103.203 and 1103.2031.

(c) For purposes of Subsection (b)(2), the board shall accept as continuing education any educational offering that complies with the guidelines recognized by the Appraiser Qualifications Board that a certified or licensed appraiser was awarded by ~~[a national appraiser organization approved by the board as]~~ a provider of qualifying appraisal education approved by the board.

SECTION 31. Section 1103.2111, Occupations Code, is amended to read as follows:

Sec. 1103.2111. LATE RENEWAL OF CERTIFICATE OR[;] LICENSE[~~,-OR TRAINEE APPROVAL~~]. (a) A person whose certificate or[;] license[~~,-or approval~~] has been expired for 90 days or less may renew the certificate or[;] license[~~,-or approval~~] by paying to the board a fee equal to 1-1/2 times the required renewal fee. If a certificate or[;] license[~~,-or approval~~] has been expired for more than 90 days but less than six months, the person may renew the certificate or[;] license[~~,-or approval~~] by paying to the board a fee equal to two times the required renewal fee.

(b) A certificate or[;] license[~~,-or approval~~] that is renewed under this section shall expire on the date that would apply had the certificate or[;] license[~~,-or approval~~] been timely renewed.

(c) A person may not perform an appraisal in a federally related transaction while the person is not actively licensed or certified as an appraiser or an appraiser trainee.

(d) If a person's certificate or[;] license[~~,-or approval~~] has been expired six months or longer, the person may not renew the certificate or[;] license[~~,-or approval~~]. The person may obtain a new certificate or[;] license[~~,-or approval~~] by complying with the requirements and procedures for an original application.

SECTION 32. Sections 1103.213(a), (b), (c), (d), and (f), Occupations Code, are amended to read as follows:

- (a) The board may place on inactive status the certificate or license of a person who ~~[an appraiser if the appraiser]~~:
- (1) is not acting as an appraiser or an appraiser trainee;
 - (2) is not acting as a supervisory appraiser of ~~[sponsoring]~~ an appraiser trainee; and
 - (3) submits a written application to the board before the expiration date of the ~~[appraiser's]~~ certificate or license.
- (b) The board may place on inactive status the certificate or license of an appraiser or an appraiser trainee whose certificate or license has expired if the person:
- (1) ~~[appraiser]~~ applies for inactive status on a form prescribed by the board not later than the 180th day after ~~[the first anniversary of]~~ the expiration date of the ~~[appraiser's]~~ certificate or license; and
 - (2) meets the requirements of Section 1103.2111.
- (c) A supervisory ~~[An]~~ appraiser applying for inactive status shall terminate the appraiser's association with each appraiser trainee supervised ~~[sponsored]~~ by the appraiser by giving written notice to each appraiser trainee before the 30th day preceding the date the appraiser applies for inactive status.
- (d) An appraiser or an appraiser trainee on inactive status:
- (1) may not perform any activity regulated under this chapter;
 - (2) must pay annual renewal fees; and
 - (3) is not required to pay the annual registry fee described by Section 1103.156(b).
- (f) The board shall return ~~[remove]~~ an appraiser's certificate or license to active ~~[from inactive]~~ status if the appraiser:
- (1) submits an application to the board;
 - (2) pays the required fee; ~~[and]~~
 - (3) submits proof of complying with the cumulative continuing education requirements of Section 1103.211 during the period the license has been on inactive status;
 - (4) satisfies the board as to the person's honesty, trustworthiness, and integrity; and
 - (5) complies with the requirements of Sections 1103.203 and 1103.2031 ~~[two years preceding the date the application under Subdivision (1) is filed].~~
- SECTION 33. Section 1103.252(b), Occupations Code, is amended to read as follows:
- (b) The board or the testing service may collect an examination fee from an applicant for a certificate or license.
- SECTION 34. Section 1103.253, Occupations Code, is amended to read as follows:
- Sec. 1103.253. TIME AND PLACE OF EXAMINATION; NOTICE. The board or the testing service shall offer the examination at least once each month in Austin and at other locations and times as the board may determine or require. The board shall provide public notice of all examinations on the board's Internet website ~~[(a) The examination must be offered at least twice each year.~~
- ~~[(b) The board shall determine the time and place of the examination.~~

~~[(c) The board shall give reasonable public notice of the examination in the manner provided by board rule.~~

~~[(d) The board may assign an examination date and site to an applicant. The assigned site must be the nearest examination site available to the applicant].~~

SECTION 35. Section 1103.255, Occupations Code, is amended to read as follows:

Sec. 1103.255. EXPERIENCE ~~[NOT]~~ REQUIRED BEFORE TAKING EXAMINATION. An applicant for the examination must ~~[is not required to]~~ fulfill the applicable experience requirement for a certificate or license before taking the examination.

SECTION 36. Sections 1103.257(a) and (b), Occupations Code, are amended to read as follows:

(a) Not later than the 10th ~~[31st]~~ day after the date a person takes an examination, the board or the testing service shall notify the person of the examination results. ~~[If an examination is graded or reviewed by a national testing service, the board shall notify the person of the examination results not later than the 31st day after the date the board receives the results from the testing service.]~~

(b) If notice of the examination results will be delayed for more than 10 ~~[90]~~ days after the examination date, the board shall notify each examinee of the reason for the delay not later than the 10th ~~[90th]~~ day.

SECTION 37. Section 1103.302, Occupations Code, is amended to read as follows:

Sec. 1103.302. REGISTRATION APPLICATION. A person may register with the board by:

- (1) completing a registration form prescribed by the board; ~~[and]~~
- (2) meeting the requirements established under this chapter; and
- (3) paying the required fee.

SECTION 38. Section 1103.303, Occupations Code, is amended to read as follows:

Sec. 1103.303. ELIGIBILITY REQUIREMENTS FOR REGISTRATION. A person is eligible to register with the board if:

(1) the certification and licensing program under which the person is certified or licensed by another state has not been disapproved by the Appraisal Subcommittee ~~[Appraiser Qualifications Board]~~; and

(2) the person's appraisal business in this state does not exceed six months.

SECTION 39. Section 1103.351, Occupations Code, is amended to read as follows:

Sec. 1103.351. SUPERVISORY APPRAISER ~~[SPONSOR]~~. (a) The board may authorize a certified appraiser under this chapter to supervise ~~[sponsor]~~ an appraiser trainee if the certified appraiser meets the requirements of the board consistent with applicable federal law.

(b) An appraiser trainee may have more than one supervisory appraiser ~~[sponsor]~~.

SECTION 40. Section 1103.352, Occupations Code, is amended to read as follows:

Sec. 1103.352. APPLICATION FOR APPRAISER TRAINEE. An applicant for a license ~~[approval]~~ as an appraiser trainee and each supervisory appraiser ~~[sponsor]~~ of the applicant must apply to the board using the online application on the board's Internet website or on a form prescribed by the board.

SECTION 41. Section 1103.353, Occupations Code, is amended to read as follows:

Sec. 1103.353. ELIGIBILITY REQUIREMENTS FOR APPRAISER TRAINEE. To be eligible for a license ~~[approval]~~ as an appraiser trainee, an applicant must:

- (1) be at least 18 years of age;
- (2) be a citizen of the United States or a lawfully admitted alien;
- (3) have been a resident of this state for the 60 days preceding the date the application is filed;
- (4) satisfy the board as to the applicant's honesty, trustworthiness, and integrity; ~~[and]~~
- (5) comply with the requirements of Sections 1103.203 and 1103.2031; and
- (6) meet all other qualifications established by the board.

SECTION 42. Sections 1103.354(a) and (b), Occupations Code, are amended to read as follows:

(a) An appraiser trainee licensed ~~[approved]~~ by the board may perform an appraisal under the direction of a supervisory appraiser ~~[sponsor or authorized supervisor of the trainee]~~.

(b) The supervisory appraiser ~~[sponsor or authorized supervisor]~~ shall sign each report prepared by the appraiser trainee performing an appraisal under the direction of the supervisory appraiser ~~[sponsor or authorized supervisor]~~. The supervisory appraiser ~~[sponsor or authorized supervisor]~~ is responsible to the public and to the board for the appraiser trainee's reports and conduct.

SECTION 43. Section 1103.355(a), Occupations Code, is amended to read as follows:

(a) The board may reprimand an appraiser trainee or suspend or revoke an appraiser trainee's license ~~[authority]~~ to act as an appraiser trainee for a violation of this chapter or a rule adopted under this subchapter.

SECTION 44. Section 1103.356, Occupations Code, is amended to read as follows:

Sec. 1103.356. RENEWAL OF APPRAISER TRAINEE LICENSE ~~[APPROVAL]~~. A person may renew a license ~~[an approval]~~ as an appraiser trainee by:

- (1) paying the renewal fee established by the board;
- (2) providing evidence satisfactory to the board of completion of any required continuing education; and
- (3) meeting any other renewal requirement established by the board.

SECTION 45. Section 1103.405, Occupations Code, is amended to read as follows:

Sec. 1103.405. PROFESSIONAL STANDARDS. A person who holds a ~~[license]~~ certificate, license, or registration ~~[approval]~~ issued under this chapter shall comply with:

(1) the most current edition of the Uniform Standards of Professional Appraisal Practice adopted by the Appraisal Standards Board of the Appraisal Foundation; or

(2) other standards provided by board rule that are at least as stringent as the Uniform Standards of Professional Appraisal Practice.

SECTION 46. Section 1103.451, Occupations Code, is amended to read as follows:

Sec. 1103.451. INITIATION OF COMPLAINT PROCESS. (a) Any person, including a member of the board, may initiate the complaint process under this subchapter by submitting to ~~[filing with]~~ the board a written allegation of a violation of this chapter ~~[complaint]~~ on a form prescribed by the board.

(b) The board, on its own motion, may file a formal complaint against:

(1) a certified or licensed appraiser, an appraiser trainee, or a registrant under Subchapter G; or

(2) ~~[an appraiser trainee who is approved by the board under Subchapter H.~~

~~[(c) A complaint alleging that a certified or licensed appraiser or an approved appraiser trainee has violated a rule of professional conduct adopted by the board must be filed with the board.~~

~~[(d) The board, on its own motion, may file a formal complaint against]~~ a person who engages in an activity for which a certificate or license is required under this chapter without holding a certificate or license.

(c) This subchapter and Subchapter K apply to a complaint filed under Subsection (b)(2) ~~[this subsection]~~ in the same manner as they apply to a complaint filed under Subsection (b)(1) ~~[(b)]~~.

(d) An investigation of an alleged ~~[(c) A complaint alleging a]~~ violation by a person licensed or ~~[;]~~ certified ~~[, or approved]~~ under this chapter may not be terminated solely on the basis that the person fails to renew the certificate or ~~[;]~~ license ~~[, or approval]~~.

(e) The board may not conduct an investigation of a person certified, licensed, or registered under this chapter or Chapter 1104 for an allegation of a violation submitted to the board later than the fourth anniversary of the date the alleged violation occurred.

SECTION 47. Section 1103.452, Occupations Code, is amended to read as follows:

Sec. 1103.452. REVIEW AND INVESTIGATION. (a) The ~~[On receipt of a complaint or on its own motion, the]~~ board shall review and investigate an alleged act or omission that is the subject of an allegation submitted or a formal complaint filed under Section 1103.451 ~~[the board believes is a ground for disciplinary action]~~.

(b) An investigator designated by the commissioner ~~[presiding officer of the board]~~ shall investigate each allegation or formal ~~[in a]~~ complaint ~~[to determine whether probable cause exists for a hearing on the complaint]~~.

(c) If the board determines at any time that an allegation or formal ~~[a]~~ complaint is inappropriate or without merit ~~[does not present facts that are grounds for disciplinary action]~~, the board or the commissioner shall dismiss the complaint and may not take further action.

(d) For purposes of Subsection (c), a determination that the allegation or complaint is inappropriate or without merit includes a determination that the allegation or complaint:

- (1) is not within the board's jurisdiction;
- (2) was made in bad faith or filed for the purpose of harassment or to gain a competitive or economic advantage; or
- (3) lacks sufficient basis in fact or evidence.

SECTION 48. Section 1103.453(b), Occupations Code, is amended to read as follows:

(b) A peer investigative committee consists of two or more ~~[three]~~ certified or licensed appraisers. The presiding officer of the committee must be an appraiser member of the board. Each remaining committee member shall certify to the board that the member is familiar with the appraisal process in the appraisal that is the subject of the complaint.

SECTION 49. Section 1103.455(a), Occupations Code, is amended to read as follows:

(a) At the conclusion of the investigation of a complaint, the investigator shall prepare ~~[submit to the board]~~ a written report to enable the board to determine what further action is necessary.

SECTION 50. Section 1103.456, Occupations Code, is amended to read as follows:

Sec. 1103.456. ACTION BASED ON REPORT. Based on the report prepared ~~[submitted]~~ under Section 1103.455, the board may:

- (1) order further investigation of the complaint;
- (2) permit the appraiser or appraiser trainee who is the subject of the complaint to participate in a voluntary ~~[attend an informal]~~ discussion of the facts and circumstances of the alleged violation ~~[as provided by Section 1103.457];~~
- (3) determine that there is not probable cause to believe that a violation occurred and dismiss the case; or
- (4) determine that there is probable cause to believe that a violation occurred and proceed as the complainant with a contested case hearing under Subchapter K.

SECTION 51. Section 1103.458, Occupations Code, is amended by amending Subsection (d) and adding Subsection (g) to read as follows:

(d) A board member who participates in negotiating a consent order under this section is ~~[not]~~ disqualified from participating in the adjudication of a contested case that results from the negotiation.

(g) An appraiser or appraiser trainee may be disciplined for failure to comply with a consent order.

SECTION 52. Section 1103.459(d), Occupations Code, is amended to read as follows:

(d) An appraiser or appraiser trainee may be disciplined ~~[prosecuted]~~ for failure to comply with a consent agreement.

SECTION 53. Section 1103.460, Occupations Code, is amended to read as follows:

Sec. 1103.460. CONFIDENTIALITY OF INVESTIGATION MATERIAL ~~[PUBLIC AVAILABILITY OF FINAL DECISION]~~. (a) Information or material, including any investigation file, is confidential and not subject to disclosure under Chapter 552, Government Code, or any other means of legal compulsion for release, including disclosure, discovery, or subpoena, if the information or material is prepared or compiled by the board in connection with a complaint, investigation, or audit of any person subject to the jurisdiction of the board.

(b) Notwithstanding Subsection (a), information or material prepared or compiled by the board in connection with a complaint, investigation, or audit may be disclosed:

(1) to the respondent;

(2) to a person providing a service to the board, including a peer investigative committee appointed under Section 1103.453, an expert or other witness, or an investigator, if the information is necessary for preparation for, or a presentation in, a disciplinary proceeding against an applicant or license holder, or a subsequent trial or appeal taken from a disciplinary proceeding;

(3) to an entity in another jurisdiction that licenses, registers, credentials, or disciplines any person subject to the jurisdiction of the board;

(4) to a law enforcement agency;

(5) to the State Office of Administrative Hearings; or

(6) to the board, or a panel of the board, for use during any proceeding conducted by the State Office of Administrative Hearings or in a subsequent trial or appeal of a board action or order.

(c) The release of information under Subsection (b) is not a voluntary disclosure for purposes of Section 552.007, Government Code.

(d) The board may require a confidentiality agreement be signed by a person entitled to receive information under Subsection (b) before releasing the information.

(e) Notwithstanding Subsection (a), on the dismissal or final resolution of a complaint, investigation, or audit, information or material prepared or compiled by the board in connection with the complaint, investigation, or audit, including a completed audit report or a final order of the board, is subject to disclosure under Chapter 321 or 552, Government Code ~~[A final decision of the board relating to a disciplinary action, including a consent order or consent agreement, may be provided to another state or made available to the public]~~.

SECTION 54. Section 1103.519, Occupations Code, is amended to read as follows:

Sec. 1103.519. MOTION ~~[APPLICATION]~~ FOR REHEARING. (a) A ~~[Not later than the 20th day after the date a final decision is issued in a contested case, a]~~ party may file a motion for rehearing ~~[an application]~~ with the board ~~[for a rehearing]~~. The motion ~~[application]~~ must state:

(1) the specific grounds for rehearing; and

(2) the relief sought.

(b) A motion for rehearing filed under this section is governed by Chapter 2001, Government Code ~~[The application is denied if the board does not grant it before the 20th day after the date the commissioner is served with the application]~~.

SECTION 55. Section 1103.522, Occupations Code, is amended to read as follows:

Sec. 1103.522. WAITING PERIOD [~~REINSTATEMENT OF CERTIFICATE OR LICENSE~~]. A person whose certificate or license has been revoked, ~~[or]~~ a person who has surrendered a certificate or license issued by the board, or a person whose application for a certificate or license has been denied after a hearing under Section 1103.508 may not apply to the board for a certificate or license ~~[reinstatement]~~ until the second anniversary of the date of revocation, ~~[or]~~ surrender, or denial.

SECTION 56. Subchapter K, Chapter 1103, Occupations Code, is amended by adding Section 1103.523 to read as follows:

Sec. 1103.523. COST RECOVERY. The administrative law judge may award reasonable costs to the board on a request for and proof of the costs if the respondent fails to appear for the hearing under Section 1103.510, including any costs:

- (1) charged by the State Office of Administrative Hearings; and
- (2) related to the preparation for the hearing, including costs of discovery, depositions, subpoenas, service of process, witness expenses, travel expenses, and investigation expenses.

SECTION 57. Section 1103.552, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding any other law, an administrative penalty collected under this section shall be deposited in a restricted fund maintained and operated by the board to develop educational programs for appraisers or conduct studies that enhance consumer protection.

SECTION 58. Subchapter L, Chapter 1103, Occupations Code, is amended by adding Section 1103.5525 to read as follows:

Sec. 1103.5525. CEASE AND DESIST ORDER. (a) If it appears to the board that a person is violating this chapter, Chapter 1104, or a rule adopted under this chapter or Chapter 1104, the board, after notice and opportunity for a hearing, may issue a cease and desist order prohibiting the person from engaging in the activity.

(b) A violation of an order under this section constitutes grounds for imposing an administrative penalty under this chapter or Chapter 1104.

SECTION 59. The following provisions of the Occupations Code are repealed:

- (1) Section 1103.005;
- (2) Section 1103.2015; and
- (3) Section 1103.457.

SECTION 60. (a) Section 1103.055, Occupations Code, as amended by this Act, does not affect the terms of the members of the Texas Appraiser Licensing and Certification Board who are serving on the effective date of this Act. Members appointed to fill vacancies occurring on or after the effective date of this Act shall be appointed to serve staggered terms in accordance with that section.

(b) Section 1103.159, Occupations Code, as amended by this Act, does not affect the terms of the members of the advisory committee who are serving on the effective date of this Act. Not later than the 60th day after the effective date of this Act, the governor shall appoint the two new members of the advisory committee to serve staggered terms in accordance with that section.

(c) The changes in law made by this Act apply only to an application for a license or certificate submitted to the Texas Appraiser Licensing and Certification Board on or after the effective date of this Act. An application for a license or certificate submitted before that date is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

(d) The changes in law made by this Act apply only to a disciplinary proceeding or a contested case hearing under Chapter 1103, Occupations Code, for conduct that occurs on or after the effective date of this Act. Conduct that occurs before the effective date of this Act is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

SECTION 61. This Act takes effect January 1, 2016.

The Conference Committee Report on **SB 1007** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 1338

Senator Perry submitted the following Conference Committee Report:

Austin, Texas
May 30, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1338** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

PERRY
HINOJOSA
HUFFINES
KOLKHORST
NICHOLS

On the part of the Senate

SPRINGER
CYRIER
SCHUBERT
SIMMONS

On the part of the House

A BILL TO BE ENTITLED AN ACT

relating to an exemption from length limitations for certain vehicles or combinations of vehicles used to transport harvest machines.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 622.902, Transportation Code, is amended to read as follows:

Sec. 622.902. LENGTH EXCEPTIONS. The length limitations provided by Sections 621.203 to 621.205 do not apply to:

(1) machinery used exclusively for drilling water wells, including machinery that is itself a unit or that is a unit mounted on a conventional vehicle or chassis;

(2) a vehicle owned or operated by a public, private, or volunteer fire department;

(3) a vehicle or combination of vehicles operated exclusively in the territory of a municipality or to a combination of vehicles operated by a municipality in a suburb adjoining the municipality in which the municipality has been using the equipment or similar equipment in connection with an established service to the suburb;

(4) a truck-tractor, truck-tractor combination, or truck-trailer combination exclusively transporting machinery, materials, and equipment used in the construction, operation, and maintenance of facilities, including pipelines, that are used for the discovery, production, and processing of natural gas or petroleum;

(5) a drive-away saddlemount vehicle transporter combination or a drive-away saddlemount with fullmount vehicle transporter combination, as defined by 23 C.F.R. Part 658 or its successor, if:

(A) the overall length of the combination is not longer than 97 feet; and

(B) the combination does not have more than three saddlemounted vehicles if the combination does not include more than one fullmount vehicle;

(6) the combination of a tow truck and another vehicle or vehicle combination if:

(A) the other vehicle or vehicle combination cannot be normally or safely driven or was abandoned on a highway; and

(B) the tow truck is towing the other vehicle or vehicle combination directly to the nearest authorized place of repair, terminal, or destination of unloading; ~~[or]~~

(7) a vehicle or combination of vehicles used to transport a harvest machine ~~[combine]~~ that is used in farm custom harvesting operations on a farm if the overall length of the vehicle or combination is not longer than:

(A) 75 feet if the vehicle is traveling on a highway that is part of the national system of interstate and defense highways or the federal aid primary highway system; or

(B) 81-1/2 feet if the vehicle is not traveling on a highway that is part of the national system of interstate and defense highways or the federal aid primary highway system; or

(8) a truck-tractor operated in combination with a semitrailer and trailer or semitrailer and semitrailer if:

(A) the combination is used to transport a harvest machine that is used in farm custom harvesting operations on a farm;

(B) the overall length of the combination, excluding the length of the truck-tractor, is not longer than 81-1/2 feet; and

(C) the combination is traveling on a highway that:

(i) is not part of the national system of interstate and defense highways or the federal aid primary highway system; and

(ii) is located in a county with a population of less than 300,000.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

The Conference Committee Report on **SB 1338** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 824**

Senator Eltife submitted the following Conference Committee Report:

Austin, Texas
May 30, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 824** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

ELTIFE
GARCIA
HUFFINES

KUEMPEL
GUILLEN
SMITH
S. THOMPSON

On the part of the Senate

On the part of the House

The Conference Committee Report on **HB 824** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 551**

Senator Seliger submitted the following Conference Committee Report:

Austin, Texas
May 29, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 551** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

SELIGER
PERRY
ZAFFIRINI
CREIGHTON
NICHOLS
On the part of the Senate

KEFFER
FRANK
KACAL
T. KING
LUCIO III
On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the duty of the Water Conservation Advisory Council to submit a report and recommendations regarding water conservation in this state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 10.011, Water Code, is amended to read as follows:

Sec. 10.011. REPORT. Not later than December 1 of each even-numbered year, the council shall submit to the governor, lieutenant governor, and speaker of the house of representatives:

(1) a report on progress made in water conservation in this state; and
(2) recommendations for legislation to advance water conservation in this state, which may include conservation through the reduction of the amount of water lost because of evaporation.

SECTION 2. This Act takes effect September 1, 2015.

The Conference Committee Report on **SB 551** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 18**

Senator Perry submitted the following Conference Committee Report:

Austin, Texas
May 30, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 18** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

PERRY
BETTENCOURT
GARCIA
SELIGER
L. TAYLOR
On the part of the Senate

AYCOCK
DESHOTEL
FARNEY
HUBERTY
WORKMAN
On the part of the House

The Conference Committee Report on **HB 18** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1559**

Senator L. Taylor submitted the following Conference Committee Report:

Austin, Texas
May 30, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1559** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

L. TAYLOR
BETTENCOURT
KOLKHORST
V. TAYLOR

On the part of the Senate

PARKER
AYCOCK
DESHOTEL
FARNEY
HUBERTY

On the part of the House

The Conference Committee Report on **HB 1559** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 991**

Senator Huffines submitted the following Conference Committee Report:

Austin, Texas
May 30, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 991** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HUFFINES
ESTES
HINOJOSA
NICHOLS
PERRY

On the part of the Senate

BOHAC
ASHBY
GUILLEN
MARTINEZ
SPRINGER

On the part of the House

The Conference Committee Report on **HB 991** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 200**

Senator Perry submitted the following Conference Committee Report:

Austin, Texas
May 26, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 200** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

PERRY
HINOJOSA
CREIGHTON
HALL
KOLKHORST
On the part of the Senate

KEFFER
D. BONNEN
LUCIO III
LARSON
NEVÁREZ
On the part of the House

The Conference Committee Report on **HB 200** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 632**

Senator Fraser submitted the following Conference Committee Report:

Austin, Texas
May 30, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 632** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

FRASER
ESTES
HUFFMAN
NELSON

BUTTON
JOHNSON
ASHBY
FAIRCLOTH

ZAFFIRINI

On the part of the Senate

On the part of the House

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the governor's university research initiative and to the abolishment of the Texas emerging technology fund.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 62, Education Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. GOVERNOR'S UNIVERSITY RESEARCH INITIATIVE

Sec. 62.161. DEFINITIONS. In this subchapter:

(1) "Distinguished researcher" means a researcher who is:

(A) a Nobel laureate; or

(B) a member of the National Academy of Sciences, the National Academy of Engineering, or the National Academy of Medicine, formerly known as the Institute of Medicine.

(2) "Eligible institution" means a general academic teaching institution or medical and dental unit.

(3) "Fund" means the governor's university research initiative fund established under this subchapter.

(4) "General academic teaching institution" has the meaning assigned by Section 61.003.

(5) "Medical and dental unit" has the meaning assigned by Section 61.003.

(6) "Office" means the Texas Economic Development and Tourism Office within the office of the governor.

(7) "Private or independent institution of higher education" has the meaning assigned by Section 61.003.

Sec. 62.162. ADMINISTRATION OF INITIATIVE. (a) The governor's university research initiative is administered by the Texas Economic Development and Tourism Office within the office of the governor.

(b) The office may adopt any rules the office considers necessary to administer this subchapter.

Sec. 62.163. MATCHING GRANTS TO RECRUIT DISTINGUISHED RESEARCHERS. (a) From the governor's university research initiative fund, the office shall award matching grants to assist eligible institutions in recruiting distinguished researchers.

(b) An eligible institution may apply to the office for a matching grant from the fund. If the office approves a grant application, the office shall award to the applicant institution a grant amount equal to the amount committed by the institution for the recruitment of a distinguished researcher.

(c) A grant application must identify the source and amount of the eligible institution's matching funds and must demonstrate that the proposed use of the grant has the support of the institution's president and of the institution's governing board, the chair of the institution's governing board, or the chancellor of the university

system, if the institution is a component of a university system. An applicant eligible institution may commit for matching purposes any funds of the institution available for that purpose other than appropriated general revenue.

(d) A matching grant may not be used by an eligible institution to recruit a distinguished researcher from:

(1) another eligible institution; or

(2) a private or independent institution of higher education.

Sec. 62.164. GRANT AWARD CRITERIA; PRIORITIES. (a) In awarding grants, the office shall give priority to grant proposals that involve the recruitment of distinguished researchers in the fields of science, technology, engineering, mathematics, and medicine. With respect to proposals involving those fields, the office shall give priority to proposals that demonstrate a reasonable likelihood of contributing substantially to this state's national and global economic competitiveness.

(b) A grant proposal should identify a specific distinguished researcher being recruited.

Sec. 62.165. GOVERNOR'S UNIVERSITY RESEARCH INITIATIVE FUND.

(a) The governor's university research initiative fund is a dedicated account in the general revenue fund.

(b) The fund consists of:

(1) amounts appropriated or otherwise allocated or transferred by law to the fund;

(2) money deposited to the fund under Section 62.166 of this subchapter or under Section 490.101(b-1), Government Code; and

(3) gifts, grants, and other donations received for the fund.

(c) The fund may be used by the office only for the purposes of this subchapter, including for necessary expenses incurred in the administration of the fund and this subchapter.

Sec. 62.166. WINDING UP OF CONTRACTS AND AWARDS IN CONNECTION WITH TEXAS EMERGING TECHNOLOGY FUND. (a) The governor's university research initiative is the successor to the Texas emerging technology fund. Awards from the Texas emerging technology fund shall be wound up in accordance with this section and Section 490.104, Government Code, and contracts governing awards from that fund shall be wound up in accordance with this section.

(b) If a contract governing an award from the Texas emerging technology fund provides for the distribution of royalties, revenue, or other financial benefits to the state, including royalties, revenue, or other financial benefits realized from the commercialization of intellectual or real property developed from an award from the fund, those royalties, revenues, or other financial benefits shall continue to be distributed in accordance with the terms of the contract unless the award recipient and the governor agree otherwise. Unless otherwise required by law, royalties, revenue, or other financial benefits accruing to the state under a contract described by this subsection, including any money returned or repaid to the state by an award recipient, shall be credited to the governor's university research initiative fund.

(c) If money awarded from the Texas emerging technology fund is encumbered by a contract executed before September 1, 2015, but has not been distributed before that date, the money shall be distributed from the governor's university research initiative fund in accordance with the terms of the contract, unless the award recipient and the governor agree otherwise.

(d) Except for an obligation regarding the distribution of royalties, revenue, or other financial benefits to the state as provided by Subsection (b), if money awarded from the Texas emerging technology fund under a contract executed before September 1, 2015, has been fully distributed and the entity that received the award has fully performed all specific actions under the terms of the contract governing the award, the entity is considered to have fully satisfied the entity's obligations under the contract. The entity shall file with the office a final report showing the purposes for which the award money has been spent and, if award money remains unspent, the purposes for which the recipient will spend the remaining money.

Sec. 62.167. CONFIDENTIALITY OF INFORMATION CONCERNING AWARDS FROM TEXAS EMERGING TECHNOLOGY FUND. (a) Except as provided by Subsection (b), information collected under former provisions of Chapter 490, Government Code, concerning the identity, background, finance, marketing plans, trade secrets, or other commercially or academically sensitive information of an individual or entity that was considered for or received an award from the Texas emerging technology fund is confidential unless the individual or entity consents to disclosure of the information.

(b) The following information collected in connection with the Texas emerging technology fund is public information and may be disclosed under Chapter 552, Government Code:

(1) the name and address of an individual or entity that received an award from that fund;

(2) the amount of funding received by an award recipient;

(3) a brief description of the project funded under former provisions of Chapter 490, Government Code;

(4) if applicable, a brief description of the equity position that the governor, on behalf of the state, has taken in an entity that received an award from that fund; and

(5) any other information with the consent of:

(A) the governor;

(B) the lieutenant governor;

(C) the speaker of the house of representatives; and

(D) the individual or entity that received an award from that fund, if the information relates to that individual or entity.

Sec. 62.168. REPORTING REQUIREMENT. (a) Before the beginning of each regular session of the legislature the governor shall submit to the lieutenant governor, the speaker of the house of representatives, and the standing committees of each house of the legislature with primary jurisdiction over economic development and higher education matters and post on the office of the governor's Internet website a report on matching grants made to eligible institutions from the fund that states:

(1) the total amount of matching funds granted by the office;

(2) the total amount of matching funds granted to each recipient institution;

(3) a brief description of each distinguished researcher recruited by each recipient institution, including any amount of external research funding that followed the distinguished researcher to the institution;

(4) a brief description of the expenditures made from the matching grant funds for each distinguished researcher; and

(5) when available, a brief description of each distinguished researcher's contribution to the state's economic competitiveness, including:

(A) any patents issued to the distinguished researcher after accepting employment by the recipient institution; and

(B) any external research funding, public or private, obtained by the distinguished researcher after accepting employment by the recipient institution.

(a-1) The report may not include information that is made confidential by law.

(b) The governor may require an eligible institution that receives a matching grant under this subchapter to submit, on a form the governor provides, information required to complete the report.

SECTION 2. Subchapter C, Chapter 490, Government Code, is amended by adding Section 490.104 to read as follows:

Sec. 490.104. MANAGEMENT OF INVESTMENT PORTFOLIO; WINDING UP AND FINAL LIQUIDATION. (a) In this section, "state's emerging technology investment portfolio" means:

(1) the equity positions in the form of stock or other security the governor took, on behalf of the state, in companies that received awards under the Texas emerging technology fund; and

(2) any other investments made by the governor, on behalf of the state, and associated assets in connection with an award made under the Texas emerging technology fund.

(b) The Texas Treasury Safekeeping Trust Company shall manage and wind up the state's emerging technology investment portfolio. The trust company shall wind up the portfolio in a manner that, to the extent feasible, provides for the maximum return on the state's investment. In managing those investments and associated assets through procedures and subject to restrictions that the trust company considers appropriate, the trust company may acquire, exchange, sell, supervise, manage, or retain any kind of investment or associated assets that a prudent investor, exercising reasonable care, skill, and caution, would acquire or retain in light of the purposes, terms, distribution requirements, and other circumstances then prevailing pertinent to each investment or associated asset. The trust company may recover its reasonable and necessary costs incurred in the management of the portfolio from the earnings on the investments and associated assets in the portfolio.

(c) Any realized proceeds or other earnings from the sale of stock or other investments or associated assets in the state's emerging technology investment portfolio, less the amount permitted to be retained for payment of its costs for managing the portfolio as provided by Subsection (b), shall be remitted by the Texas Treasury Safekeeping Trust Company to the comptroller for deposit in the general revenue fund.

(d) The Texas Treasury Safekeeping Trust Company has any power necessary to accomplish the purposes of this section.

(e) On final liquidation of the state's emerging technology investment portfolio, the Texas Treasury Safekeeping Trust Company shall promptly notify the comptroller of that occurrence. As soon as practicable after receiving that notice, the comptroller shall verify that the final liquidation has been completed and, if the comptroller so verifies, shall certify to the governor that the final liquidation of the portfolio has been completed. The governor shall post notice of the certification on the office of the governor's Internet website.

(f) Any balance remaining in the Texas emerging technology fund on final liquidation by the Texas Treasury Safekeeping Trust Company shall be remitted to the comptroller for deposit in the general revenue fund.

SECTION 3. Section 490.101, Government Code, is amended by adding Subsections (b-1) and (b-2) to read as follows:

(b-1) Notwithstanding Subsection (b), benefits realized from a project undertaken with money from the fund, as provided by a contract entered into under former Section 490.103 before September 1, 2015, shall be deposited to the credit of the governor's university research initiative fund established under Subchapter H, Chapter 62, Education Code.

(b-2) The fund may be used only for the purposes described by Section 490.104.

SECTION 4. (a) The following laws are repealed:

(1) Sections 490.101(c), (d), (e), (f), (f-1), (g), (h), and (i), Government Code;

(2) Sections 490.102 and 490.103, Government Code; and

(3) Subchapters A, B, D, E, F, and G, Chapter 490, Government Code.

(b) The Texas emerging technology fund is continued solely for the purposes of winding up the contracts governing awards from that fund and the state's portfolio of equity positions and other investments and associated assets in connection with awards from that fund in accordance with Section 490.104, Government Code, as added by this Act. The Texas emerging technology fund is abolished and Sections 490.101(a), (b), (b-1), and (b-2), Government Code, are repealed when the comptroller certifies to the governor as provided by Section 490.104, Government Code, as added by this Act, that the final liquidation of the state's portfolio of equity positions and other investments and associated assets by the Texas Treasury Safekeeping Trust Company has been completed. On the effective date of this Act, any unencumbered fund balance in the Texas emerging technology fund may be appropriated in accordance with Subsection (e) of this section.

(c) The abolishment by this Act of the Texas emerging technology fund and the repeal of provisions of Chapter 490, Government Code, relating to that fund do not affect the validity of an agreement between the governor and the recipient of an award awarded under Chapter 490, or a person to be awarded money under that chapter, that is executed before September 1, 2015. Those agreements shall be performed as provided by Section 62.166, Education Code, as added by this Act.

(d) A regional center of innovation and commercialization established under Section 490.152, Government Code, is abolished on the effective date of this Act. Each center shall transfer to the office of the governor a copy of any meeting minutes

required to be retained under Section 490.1521, Government Code, as that section existed immediately before that section's repeal by this Act, and the office shall retain the minutes for the period prescribed by that section.

(e) Any unencumbered balance of the Texas emerging technology fund may be appropriated only to one or more of the following:

(1) the Texas Research Incentive Program (TRIP) under Subchapter F, Chapter 62, Education Code;

(2) the Texas research university fund, subject to Subsection (f) of this section;

(3) the governor's university research initiative fund established under Subchapter H, Chapter 62, Education Code, as added by this Act;

(4) the Texas Enterprise Fund established under Section 481.078, Government Code; and

(5) the comptroller for the purposes of expenses incurred in managing the state's portfolio of equity positions and other investments in connection with awards from the Texas emerging technology fund in accordance with Section 490.104, Government Code, as added by this Act.

(f) The authority of the Texas research university fund to receive the appropriation described by Subsection (e) of this section is contingent on passage and enactment of H.B. 1000, or similar legislation relating to state support for general academic teaching institutions in this state by the 84th Legislature, Regular Session, 2015, that renames the existing Texas competitive knowledge fund and changes the purposes for which the fund can be used.

(f-1) On the effective date of this Act, the comptroller of public accounts shall transfer the encumbered balance of the Texas emerging technology fund to the credit of the governor's university research initiative fund established under Subchapter H, Chapter 62, Education Code, as added by this Act, for the purposes of Section 62.166, Education Code, as added by this Act.

(g) Except as provided by this Act, on September 1, 2015, the following powers, duties, functions, and activities performed by the office of the governor immediately before that date are transferred to the Texas Treasury Safekeeping Trust Company:

(1) all powers, duties, functions, and activities related to equity positions in the form of stock or other security the governor has taken, on behalf of the state, in companies that received awards under the Texas emerging technology fund before September 1, 2015; and

(2) all powers, duties, functions, and activities related to other investments made by the governor, on behalf of the state, and associated assets in connection with an award made under the Texas emerging technology fund before September 1, 2015.

(h) Notwithstanding the repeal by this Act of provisions of Chapter 490, Government Code, those provisions of Chapter 490 are continued in effect for the limited purpose of winding up contracts governing awards from the Texas emerging technology fund in accordance with Section 62.166, Education Code, as added by this Act, and of winding up the state's portfolio of equity positions and other investments and associated assets in connection with awards from that fund in accordance with Section 490.104, Government Code, as added by this Act.

SECTION 5. This Act takes effect September 1, 2015.

The Conference Committee Report on **SB 632** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 26**

Senator Fraser submitted the following Conference Committee Report:

Austin, Texas

May 30, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 26** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

FRASER
BIRDWELL
ESTES
NICHOLS
URESTI

On the part of the Senate

BUTTON
ASHBY
SPRINGER
E. RODRIGUEZ

On the part of the House

The Conference Committee Report on **HB 26** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1842**

Senator L. Taylor submitted the following Conference Committee Report:

Austin, Texas

May 30, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1842** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

L. TAYLOR
BETTENCOURT
CAMPBELL
HUFFINES
RODRÍGUEZ
On the part of the Senate

AYCOCK
ASHBY
DARBY
DUTTON
K. KING
On the part of the House

The Conference Committee Report on **HB 1842** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1964**

Senator Hinojosa submitted the following Conference Committee Report:

Austin, Texas

May 29, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1964** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HINOJOSA

NELSON

HUFFMAN

L. TAYLOR

ZAFFIRINI

On the part of the Senate

MARTINEZ

CLARDY

HERNANDEZ

FARRAR

SHEETS

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the imposition of additional fees for filing civil cases and for recording certain documents in Hidalgo County and Cameron County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter H, Chapter 51, Government Code, is amended by adding Section 51.711 to read as follows:

Sec. 51.711. ADDITIONAL FILING FEE FOR CIVIL CASES IN HIDALGO COUNTY AND CAMERON COUNTY. (a) This section applies only to district courts, statutory probate courts, and county courts at law in Hidalgo County and Cameron County.

(b) Except as otherwise provided by this section and in addition to all other fees authorized or required by other law, the clerk of a court shall collect a filing fee of not more than \$20 in each civil case filed in the court to be used for the construction, renovation, or improvement of the facilities that house the Hidalgo County or Cameron County civil courts.

(c) Court fees due under this section shall be collected in the same manner as other fees, fines, or costs are collected in the case.

(d) The clerk shall send the fees collected under this section to the county treasurer of the county in which the court is located or to any other official who discharges the duties commonly assigned to the county treasurer at least as frequently

as monthly. The treasurer or other official shall deposit the fees in a special account in the county treasury dedicated to the construction, renovation, or improvement of the facilities that house the courts in the county collecting the fee.

(e) This section applies only to fees for a 12-month period beginning October 1, if the commissioners court of the county collecting the fee:

(1) adopts a resolution authorizing a fee of not more than \$20;

(2) adopts a resolution requiring the county to spend one dollar for the construction, renovation, or improvement of the court facilities for each dollar spent from the special account dedicated to that purpose; and

(3) files the resolutions with the county treasurer or with any other official who discharges the duties commonly assigned to the county treasurer not later than September 1 immediately preceding the first 12-month period during which the fees are to be collected.

(f) A resolution adopted under Subsection (e) continues from year to year until October 1, 2030, allowing the county to collect fees under the terms of this section until the resolution is rescinded.

(g) The commissioners court of the county collecting the fee may rescind a resolution adopted under Subsection (e) by adopting a resolution rescinding the resolution and submitting the rescission resolution to the county treasurer or to any other official who discharges the duties commonly assigned to the county treasurer not later than September 1 preceding the beginning of the first day of the county fiscal year. The commissioners court may adopt an additional resolution in the manner provided by Subsection (e) after rescinding a previous resolution under that subsection.

(h) A fee established under a particular resolution is abolished on the earlier of:

(1) the date a resolution adopted under Subsection (e) is rescinded as provided by Subsection (g); or

(2) October 1, 2030.

(i) Hidalgo County or Cameron County may make the required expenditure described by Subsection (e)(2) at any time, regardless of when the expenditure from the special account occurs.

SECTION 2. Subchapter D, Chapter 101, Government Code, is amended by adding Section 101.061192 to read as follows:

Sec. 101.061192. ADDITIONAL DISTRICT COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a district court in Hidalgo County and the clerk of a district court in Cameron County shall collect an additional filing fee of not more than \$20 under Section 51.711, Government Code, in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 3. Subchapter E, Chapter 101, Government Code, is amended by adding Section 101.081191 to read as follows:

Sec. 101.081191. ADDITIONAL STATUTORY COUNTY COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory county court in Hidalgo County and the clerk of a statutory county court in Cameron County shall

collect an additional filing fee of not more than \$20 under Section 51.711, Government Code, in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 4. Subchapter F, Chapter 101, Government Code, is amended by adding Section 101.10119 to read as follows:

Sec. 101.10119. ADDITIONAL STATUTORY PROBATE COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory probate court in Hidalgo County shall collect an additional filing fee of not more than \$20 under Section 51.711, Government Code, in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 5. Section 118.011, Local Government Code, is amended by adding Subsection (g) to read as follows:

(g) The county clerk of a county shall, if the commissioners court of the county adopts the fee, collect the following fee from any person:

Real Property Records Filing (Sec. 118.0131) not more than \$10

SECTION 6. Subchapter B, Chapter 118, Local Government Code, is amended by adding Section 118.0131 to read as follows:

Sec. 118.0131. OPTIONAL RECORDING FEES FOR COURT FACILITIES: HIDALGO COUNTY AND CAMERON COUNTY. The county clerk of Hidalgo County and the county clerk of Cameron County may assess an additional fee not to exceed \$10 for real property records filing to fund the construction, renovation, or improvement of court facilities, if authorized by the commissioners court of the county.

SECTION 7. The changes in law made by this Act apply only to a fee that becomes payable on or after the effective date of this Act. A fee that becomes payable before that date is governed by the law in effect when the fee became payable, and the former law is continued in effect for that purpose.

SECTION 8. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

The Conference Committee Report on **SB 1964** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 6

Senator Hinojosa submitted the following Conference Committee Report:

Austin, Texas
May 30, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 6** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HINOJOSA
NELSON
ELTIFE
NICHOLS
HANCOCK
On the part of the Senate

OTTO
DARBY
GEREN
SIMMONS
S. TURNER
On the part of the House

The Conference Committee Report on **HB 6** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 507

Senator Lucio submitted the following Conference Committee Report:

Austin, Texas
May 30, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 507** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

LUCIO
BETTENCOURT
GARCIA
MENÉNDEZ
L. TAYLOR
On the part of the Senate

S. THOMPSON
BERNAL
K. KING
ROSE
SIMMONS
On the part of the House

A BILL TO BE ENTITLED AN ACT

relating to the placement and use of video cameras in self-contained classrooms or other settings providing special education services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 26.009(b), Education Code, is amended to read as follows:

(b) An employee of a school district is not required to obtain the consent of a child's parent before the employee may make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used only for:

- (1) purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses;
- (2) a purpose related to a cocurricular or extracurricular activity;
- (3) a purpose related to regular classroom instruction; ~~or~~
- (4) media coverage of the school; or
- (5) a purpose related to the promotion of student safety under Section 29.022.

SECTION 2. Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.022 to read as follows:

Sec. 29.022. VIDEO SURVEILLANCE OF SPECIAL EDUCATION SETTINGS. (a) In order to promote student safety on request by a parent, trustee, or staff member, a school district or open-enrollment charter school shall provide equipment, including a video camera, to each school in the district or each charter school campus in which a student who receives special education services in a self-contained classroom or other special education setting is enrolled. Each school or campus that receives equipment shall place, operate, and maintain one or more video cameras in each self-contained classroom or other special education setting in which a majority of the students in regular attendance are:

- (1) provided special education and related services; and
- (2) assigned to a self-contained classroom or other special education setting for at least 50 percent of the instructional day.

(b) A school or campus that places a video camera in a classroom or other special education setting in accordance with Subsection (a) shall operate and maintain the camera in the classroom or setting as long as the classroom or setting continues to satisfy the requirements under Subsection (a).

(c) Video cameras placed under this section must be capable of:

- (1) covering all areas of the classroom or other special education setting, except that the inside of a bathroom or any area in the classroom or setting in which a student's clothes are changed may not be visually monitored; and
- (2) recording audio from all areas of the classroom or other special education setting.

(d) Before a school or campus places a video camera in a classroom or other special education setting under this section, the school or campus shall provide written notice of the placement to all school or campus staff and to the parents of a student receiving special education services in the classroom or setting.

(e) A school district or open-enrollment charter school shall retain video recorded from a camera placed under this section for at least six months after the date the video was recorded.

(f) A school district or open-enrollment charter school may solicit and accept gifts, grants, and donations from any person for use in placing video cameras in classrooms or other special education settings under this section.

(g) This section does not:

(1) waive any immunity from liability of a school district or open-enrollment charter school, or of district or school officers or employees; or

(2) create any liability for a cause of action against a school district or open-enrollment charter school or against district or school officers or employees.

(h) A school district or open-enrollment charter school may not:

(1) allow regular or continual monitoring of video recorded under this section; or

(2) use video recorded under this section for teacher evaluation or for any other purpose other than the promotion of safety of students receiving special education services in a self-contained classroom or other special education setting.

(i) A video recording of a student made according to this section is confidential and may not be released or viewed except as provided by this subsection or Subsection (j). A school district or open-enrollment charter school shall release a recording for viewing by:

(1) a school district employee or a parent or guardian of a student who is involved in an incident documented by the recording for which a complaint has been reported to the district, on request of the employee, parent, or guardian, respectively;

(2) appropriate Department of Family and Protective Services personnel as part of an investigation under Section 261.406, Family Code;

(3) a peace officer, a school nurse, a district administrator trained in de-escalation and restraint techniques as provided by commissioner rule, or a human resources staff member designated by the board of trustees of the school district or the governing body of the open-enrollment charter school in response to a complaint or an investigation of district or school personnel or a complaint of abuse committed by a student; or

(4) appropriate agency or State Board for Educator Certification personnel or agents as part of an investigation.

(j) If a person described by Subsection (i)(3) or (4) who views the video recording believes that the recording documents a possible violation under Subchapter E, Chapter 261, Family Code, the person shall notify the Department of Family and Protective Services for investigation in accordance with Section 261.406, Family Code. If any person described by Subsection (i)(2), (3), or (4) who views the recording believes that the recording documents a possible violation of district or school policy, the person may allow access to the recording to appropriate legal and human resources personnel. A recording believed to document a possible violation of district or school policy may be used as part of a disciplinary action against district or school personnel and shall be released at the request of the student's parent or guardian in a legal proceeding. This subsection does not limit the access of a student's parent to a record regarding the student under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g) or other law.

(k) The commissioner may adopt rules to implement and administer this section, including rules regarding the special education settings to which this section applies.

SECTION 3. Subchapter E, Chapter 42, Education Code, is amended by adding Section 42.2528 to read as follows:

Sec. 42.2528. EXCESS FUNDS FOR VIDEO SURVEILLANCE OF SPECIAL EDUCATION SETTINGS. (a) Notwithstanding any other provision of law, if the commissioner determines that the amount appropriated for the purposes of the Foundation School Program exceeds the amount to which school districts are entitled under this chapter, the commissioner by rule shall establish a grant program through which excess funds are awarded as grants for the purchase of video equipment, or for the reimbursement of costs for previously purchased video equipment, used for monitoring special education classrooms or other special education settings required under Section 29.022.

(b) In awarding grants under this section, the commissioner shall give highest priority to districts with maintenance and operations tax rates at the greatest rates permitted by law. The commissioner shall also give priority to:

(1) districts with maintenance and operations tax rates at least equal to the state maximum compressed tax rate, as defined by Section 42.101(a), and lowest amounts of maintenance and operations tax revenue per weighted student; and

(2) districts with debt service tax rates near or equal to the greatest rates permitted by law.

(c) The commissioner may adopt rules to implement and administer this section.

SECTION 4. (a) Subject to the availability of funds, the commissioner of education shall distribute grant funds in accordance with Section 42.2528, Education Code, as added by this Act, beginning with the 2015-2016 school year.

(b) The change in law made by Section 29.022, Education Code, as added by this Act, applies beginning with the 2016-2017 school year.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

The Conference Committee Report on **SB 507** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 408

Senator Menéndez submitted the following Conference Committee Report:

Austin, Texas
May 30, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 408** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

MENÉNDEZ

C. TURNER

CREIGHTON
ZAFFIRINI

FLYNN
J. RODRIGUEZ
S. DAVIS
COOK

On the part of the Senate

On the part of the House

The Conference Committee Report on **HB 408** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1316**

Senator Watson submitted the following Conference Committee Report:

Austin, Texas
May 30, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1316** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

WATSON
ELTIFE
MENÉNDEZ
SELIGER
On the part of the Senate

ALVARADO
BERNAL
ELKINS
JOHNSON
On the part of the House

**A BILL TO BE ENTITLED
AN ACT**

relating to the system by which an application for a low income housing tax credit is scored.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 2306.6710(b) and (f), Government Code, are amended to read as follows:

(b) If an application satisfies the threshold criteria, the department shall score and rank the application using a point system that:

(1) prioritizes in descending order criteria regarding:

(A) financial feasibility of the development based on the supporting financial data required in the application that will include a project underwriting pro forma from the permanent or construction lender;

(B) quantifiable community participation with respect to the development, evaluated on the basis of a resolution concerning the development that is voted on and adopted by the following, as applicable:

(i) the governing body of a municipality in which the proposed development site is to be located;

(ii) subject to Subparagraph (iii), the commissioners court of a county in which the proposed development site is to be located, if the proposed site is to be located in an area of a county that is not part of a municipality; or

(iii) the commissioners court of a county in which the proposed development site is to be located and the governing body of the applicable municipality, if the proposed site is to be located in the extraterritorial jurisdiction of a municipality;

(C) the income levels of tenants of the development;

(D) the size and quality of the units;

(E) ~~[the commitment of development funding by local political subdivisions;~~

~~(F)~~ the rent levels of the units;

(F) ~~(G)~~ the cost of the development by square foot;

(G) ~~(H)~~ the services to be provided to tenants of the development;

(H) ~~(I)~~ whether, at the time the complete application is submitted or at any time within the two-year period preceding the date of submission, the proposed development site is located in an area declared to be a disaster under Section 418.014;

(I) ~~(J)~~ quantifiable community participation with respect to the development, evaluated on the basis of written statements from any neighborhood organizations on record with the state or county in which the development is to be located and whose boundaries contain the proposed development site; and

(J) ~~(K)~~ the level of community support for the application, evaluated on the basis of a written statement from the state representative who represents the district containing the proposed development site;

(2) uses criteria imposing penalties on applicants or affiliates who have requested extensions of department deadlines relating to developments supported by housing tax credit allocations made in the application round preceding the current round or a developer or principal of the applicant that has been removed by the lender, equity provider, or limited partners for its failure to perform its obligations under the loan documents or limited partnership agreement; and

(3) encourages applicants to provide free notary public service to the residents of the developments for which the allocation of housing tax credits is requested.

(f) In evaluating the level of community support for an application under Subsection (b)(1)(J) ~~(b)(1)(K)~~, the department shall award:

(1) positive points for positive written statements received;

(2) negative points for negative written statements received; and

(3) zero points for neutral statements received.

SECTION 2. Section 2306.6725, Government Code, is amended by amending Subsection (a) and adding Subsections (e) and (f) to read as follows:

(a) In allocating low income housing tax credits, the department shall score each application using a point system based on criteria adopted by the department that are consistent with the department's housing goals, including criteria addressing the ability of the proposed project to:

- (1) provide quality social support services to residents;
- (2) demonstrate community and neighborhood support as defined by the qualified allocation plan;
- (3) consistent with sound underwriting practices and when economically feasible, serve individuals and families of extremely low income by leveraging private and state and federal resources, including federal HOPE VI grants received through the United States Department of Housing and Urban Development;
- (4) serve traditionally underserved areas;
- (5) demonstrate support from local political subdivisions based on the subdivisions' commitment of development funding;
- (6) rehabilitate or perform an adaptive reuse of a certified historic structure, as defined by Section 171.901(1), Tax Code, as part of the development;
- (7) remain affordable to qualified tenants for an extended, economically feasible period; and
- (8) ~~(6)~~ comply with the accessibility standards that are required under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), and specified under 24 C.F.R. Part 8, Subpart C.

(e) In establishing for the 2016 and 2017 qualified allocation plans the scoring criterion related to the commitment of development funding by local political subdivisions, the department shall significantly reduce for each place regardless of population the amount in funding, per low income unit, that is required for a proposed project to receive the applicable number of points for that criterion. After the reduction, the amount of required funding may be a de minimis amount.

(f) Subsection (e) and this subsection expire September 1, 2019.

SECTION 3. The change in law made by this Act applies only to an application for a low income housing tax credit that is submitted to the Texas Department of Housing and Community Affairs during an application cycle that begins on or after the effective date of this Act. An application that is submitted during an application cycle that began before the effective date of this Act is governed by the law in effect at the time the application cycle began, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2015.

The Conference Committee Report on **SB 1316** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2291

Senator Perry submitted the following Conference Committee Report:

Austin, Texas
May 30, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 2291** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

PERRY
WHITMIRE
HUFFMAN
CREIGHTON
BURTON

On the part of the Senate

PARKER
FALLON
HERNANDEZ
MEYER
PADDIE

On the part of the House

The Conference Committee Report on **HB 2291** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 928

Senator Hinojosa submitted the following Conference Committee Report:

Austin, Texas
May 30, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 928** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HINOJOSA
KOLKHORST
CAMPBELL
L. TAYLOR
PERRY

On the part of the Senate

GUILLEN
ASHBY
KACAL
LUCIO III
NEVÁREZ

On the part of the House

The Conference Committee Report on **HB 928** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1905

Senator L. Taylor submitted the following Conference Committee Report:

Austin, Texas
May 30, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1905** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

L. TAYLOR

ELTIFE

URESTI

HANCOCK

KOLKHORST

On the part of the Senate

SPRINGER

D. BONNEN

DARBY

C. TURNER

WRAY

On the part of the House

The Conference Committee Report on **HB 1905** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 382

Senator Lucio submitted the following Conference Committee Report:

Austin, Texas

May 26, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 382** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

LUCIO

BETTENCOURT

CAMPBELL

CREIGHTON

HINOJOSA

On the part of the Senate

CANALES

LUCIO III

LOZANO

CYRIER

LONGORIA

On the part of the House

The Conference Committee Report on **HB 382** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3106

Senator Creighton submitted the following Conference Committee Report:

Austin, Texas

May 30, 2015

Honorable Dan Patrick

President of the Senate

Honorable Joe Straus

Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 3106** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

CREIGHTON
BETTENCOURT
LUCIO
L. TAYLOR
WEST

On the part of the Senate

HUBERTY
FARNEY
PHELAN

On the part of the House

The corrected Conference Committee Report on **HB 3106** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3736**

Senator Huffman submitted the following Conference Committee Report:

Austin, Texas
May 30, 2015

Honorable Dan Patrick

President of the Senate

Honorable Joe Straus

Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 3736** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HUFFMAN
CREIGHTON
NELSON
V. TAYLOR
On the part of the Senate

S. DAVIS
CAPRIGLIONE
GEREN
C. TURNER
On the part of the House

The Conference Committee Report on **HB 3736** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1396**

Senator Burton submitted the following Conference Committee Report:

Austin, Texas
May 30, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1396** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

BURTON
WHITMIRE
PERRY
HINOJOSA

On the part of the Senate

WORKMAN
MOODY
LARSON
HERRERO
KRAUSE

On the part of the House

The Conference Committee Report on **HB 1396** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2162**

Senator Campbell submitted the following Conference Committee Report:

Austin, Texas
May 30, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 2162** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

CAMPBELL
NELSON
NICHOLS
SCHWERTNER
WATSON

On the part of the Senate

SIMMONS
SPRINGER
R. ANDERSON
NEVÁREZ

On the part of the House

The Conference Committee Report on **HB 2162** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1295**

Senator Hancock submitted the following Conference Committee Report:

Austin, Texas
May 30, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1295** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HANCOCK
V. TAYLOR
L. TAYLOR
WATSON
On the part of the Senate

CAPRIGLIONE
PARKER
P. KING
MOODY
On the part of the House

The Conference Committee Report on **HB 1295** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 15**

Senator Eltife submitted the following Conference Committee Report:

Austin, Texas
May 30, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 15** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

ELTIFE
HUFFMAN
NELSON

On the part of the Senate

OTTO
GEREN
GONZALES
KOOP
WALLE
On the part of the House

The Conference Committee Report on **HB 15** was filed with the Secretary of the Senate.

CO-AUTHORS OF SENATE RESOLUTION 1030

On motion of Senator Garcia, Senators Ellis and Whitmire will be shown as Co-authors of **SR 1030**.

CO-SPONSOR OF HOUSE BILL 48

On motion of Senator Ellis, Senator Hinojosa will be shown as Co-sponsor of **HB 48**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 1042 by Ellis, In memory of David Eric Rosenfeld.

SR 1049 by Nichols, In memory of Rance William Humphreys.

SR 1053 by Menéndez, In memory of Mel Waiters.

SR 1054 by Menéndez, In memory of Renetha Helen Macklin.

HCR 118 (Hinojosa), In memory of former Hidalgo County Commissioner Oscar L. Garza Jr. of Edinburg.

HCR 135 (Kolkhorst), In memory of U.S. Army Specialist Kerry Danyluk.

HCR 137 (Eltife), In memory of the Honorable Leo Berman of Tyler.

Congratulatory Resolutions

SR 1041 by Watson, Recognizing William Powers Jr. for his service as president of The University of Texas at Austin.

SR 1043 by West, Recognizing Irma P. Hall on the occasion of her 80th birthday.

SR 1044 by Uresti, Recognizing Audrey Capelo on the occasion of her graduation from Saint Michael's Catholic Academy.

SR 1046 by Lucio, Recognizing Dominga Sanchez Reyes on the occasion of her 90th birthday.

SR 1047 by Lucio, Recognizing Samuel Williams Jones for his work on behalf of citizens in Mexico and Cameron County.

SR 1048 by Campbell and Nichols, Recognizing Charles William McMillon for his work during the 84th legislative session.

SR 1051 by Menéndez, Recognizing the John Jay High School Air Force Junior Reserve Officers' Training Corps drill teams for their accomplishments at the Grand National Championship competition.

SR 1052 by Menéndez, Recognizing Nathaniel Green on the occasion of his graduation from the United States Military Academy at West Point.

RECESS

On motion of Senator Whitmire, the Senate at 5:26 p.m. recessed until 2:00 p.m. tomorrow.

APPENDIX

BILLS AND RESOLUTIONS ENROLLED

May 29, 2015

SB 1, SB 206, SB 208, SB 265, SB 277, SB 496, SB 593, SB 633, SB 684, SB 699, SB 733, SB 933, SB 1101, SB 1213, SB 1243, SB 1287, SB 1296, SB 1336, SB 1406, SB 1462, SB 1474, SB 1580, SB 1727, SB 1828, SB 1876, SB 1877, SB 1934, SJR 1, SR 987, SR 988, SR 1019, SR 1031, SR 1032, SR 1033, SR 1034, SR 1035, SR 1036, SR 1037, SR 1040

SENT TO GOVERNOR

May 30, 2015

SB 27, SB 37, SB 57, SB 58, SB 59, SB 107, SB 147, SB 158, SB 168, SB 183, SB 189, SB 195, SB 200, SB 239, SB 267, SB 304, SB 382, SB 386, SB 394, SB 453, SB 530, SB 550, SB 610, SB 631, SB 638, SB 674, SB 735, SB 752, SB 760, SB 791, SB 806, SB 813, SB 818, SB 821, SB 830, SB 833, SB 873, SB 876, SB 900, SB 965, SB 996, SB 1001, SB 1002, SB 1060, SB 1132, SB 1162, SB 1168, SB 1171, SB 1174, SB 1189, SB 1196, SB 1227, SB 1228, SB 1237, SB 1259, SB 1304, SB 1305, SB 1307, SB 1313, SB 1315, SB 1362, SB 1385, SB 1394, SB 1436, SB 1453, SB 1455, SB 1461, SB 1468, SB 1494, SB 1512, SB 1540, SB 1543, SB 1560, SB 1664, SB 1707, SB 1716, SB 1726, SB 1743, SB 1831, SB 1852, SB 1853, SB 1881, SB 1899, SB 1908, SB 1940, SB 1978, SB 1982, SB 2007, SB 2008, SB 2009, SB 2013, SB 2019, SB 2025, SB 2026, SB 2037, SB 2041, SB 2044, SB 2057, SB 2062, SB 2064, SB 2074, SB 2075